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ECONOMIC AND SOCIAL COUNCIL
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SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS

Letter dated 3 July 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the report of the Government of the Federal Republic of Yugoslavia on the state of affairs and the exercise of national minority rights in the Federal Republic of Yugoslavia (see annex).**

I should be grateful if you would have the present letter and the attached report circulated as a document of the General Assembly, under item 113 (c) of the preliminary list, and of the Economic and Social Council, under agenda item 5.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

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* A/51/50.

** The annex is being circulated in the languages of submission only.

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ANNEX

[Original: English and French]

REPORT

on the state of affairs and the exercise of national minority rights in the Federal Republic of Yugoslavia

I Comparative survey of the constitutional minority safeguards under the Constitutions of FR Yugoslavia, the Republic of Serbia and the Republic of Montenegro

The Yugoslav positive legal practice shows that the area of the protection of freedoms and rights of persons belonging to national minorities is primarily of a constitutional-legal nature, meaning that it is governed by the Constitution of the Federal Republic of Yugoslavia (FRY) and by the Constitutions of its member republics.

The April 1992 Constitution of FR Yugoslavia, Art. 1 defines FR Yugoslavia as a federal state based on the equality of her citizens and the equality of her member republics. Consequently, the FRY Constitution speaks about citizens and their equality, and does not underline or accentuate the national character of the federal state. In this context, it is worth mentioning Article 8 of the FRY Constitution which sets out that power in FRY belongs to citizens and that they exercise this power directly or through their freely elected representatives.

Also of relevance if we look at national minority protection in the context of the safeguards of human and civil rights and freedoms is Article 10 of the FRY Constitution which recognizes and guarantees the human and civil rights and freedoms that are recognized by international law.

However, it is Article 11 of the FRY Constitution that regulates most directly the area discussed here because it recognizes and guarantees to the national minorities the rights to preserve, develop and express their ethnic, cultural, linguistic and other specificities and to use national symbols in keeping with international law. An important provision for the concept of the thus defined safeguards and for guaranteeing national minority rights is Article 15, paragraph 2 of the FRY Constitution which stipulates that in the territories of FRY inhabited by national minorities also their languages and scripts shall be in official use, in accordance with the law.

In addition, Section II of the FRY Constitution "Freedoms, rights and duties of man and citizen", relates to persons belonging to national minorities as well and ensures their equality, similar to that provided to all other FRY citizens. In that section, Articles 38, 42 and 50, provide for the possibility of banning certain acts if they incite ethnic, racial, religious hatred and intolerance.

An analysis of the constitutional-legal protection of national minorities in FRY should point out in particular to the provisions of Articles 20 and 45-48 of the FRY Constitution which, inter alia, define certain rights of national minorities, such as the right to equality before the law, the freedom to express national affiliation and culture, the right to use one's language and script,

as well as the right not to have to declare one's ethnic origin, the right to be educated in one's own native language (in accordance with the law), the right to public information in one's native language, establishment of educational and cultural organizations and associations to be financed on the principle of voluntary contributions, provided that the state can support them in such activities and, lastly, the right to establish and maintain unhindered relations in FRY and abroad with persons belonging to the same nation who live in other states and to take part in international non-governmental organizations but without prejudice to FRY or its member republics.

Arrangements provided by Articles 45-48 of the FRY Constitution reflect the adoption of the standards stipulated in Article 27 of the Covenant on Civil and Political Rights. The Constitution does not provide for any separate safeguards of the right to practice a religion and perform religious rites, which is not essential after all because this matter is governed by certain other provisions of the FRY Constitution, namely those dealing with religious freedoms that also apply to persons belonging to national minorities (Article 43). It is noteworthy that the FRY Constitution goes a step further relative to the Covenant and that already in the said Article 48 it envisages a separate right of persons belonging to national minorities to maintain links and relations with their national state.

The Constitutions of the member republics contain provisions that are in essence identical to those governing this area under the FRY Constitution.

Accordingly, the September 1990 Constitution of the Republic of Serbia, Article 1, defines the Republic of Serbia as a democratic state of all her citizens, based on human and civil rights and freedoms, on the rule of law and on social justice.

Like the FRY Constitution, the Constitution of the Republic of Serbia contains provisions on human and civil rights, freedoms and duties (Section II, Articles 11-54), which apply to all citizens of the Republic of Serbia, and hence to members of national minorities as well. Article 32, paragraph 4, of the Republic of Serbia Constitution stipulates that members of other nations and ethnic groups shall have the right to be educated in their native language, in accordance with the law. Under Article 49 of the Republic of Serbia Constitution any citizen is guaranteed the freedom to express his ethnic origin and culture and the freedom to use his language and script, along with the right not to have to declare his ethnic origin. Article 123 of the Republic of Serbia Constitution guarantees to everyone the right to use their language in a court of law or before any other government body or organization deciding on their rights and duties in the discharge of its public functions, and to be informed of the relevant facts in their native language.

The October 1992 Constitution of the Republic of Montenegro, like the FRY Constitution, contains provisions concerning the rights and freedoms in Part II, Articles 14-76, which regulate special rights for persons belonging to national and ethnic groups (Articles 67-76).

The above mentioned provisions guarantee to members of national and ethnic groups the protection of their identity, the use of their language and script in the proceedings before the state authorities, the right to be educated and informed in their native language, the use and display of

national symbols, the establishment of educational, cultural and religious associations with the state's material support, incorporation of units on their history and culture in school curricula, proportionate representation in public service, governmental agencies and local self-government, the right to maintain contacts with their fellow countrymen outside Montenegro and the right to take part in regional and non-governmental international organizations, as well as the right to submit requests for the protection of their freedoms and rights to international institutions. To protect and preserve that identity and give effect to the mentioned rights, Article 76 of the Republic of Montenegro Constitution sets up a separate body headed by the President of the Republic - the Republic Council for the protection of rights of members of national and ethnic groups - whose composition and competencies are established by the Assembly.

Apart from the mentioned arrangements set forth in the FRY Constitution and in the Constitutions of the member republics for the protection of minority rights and freedoms, this area is also governed by individual laws both at the federal level and at the republic level in the areas of material law and criminal legislation, association of citizens, public information, schooling and education, languages in official use, etc

II International protection of minorities

Yugoslavia has ratified a large number of international documents, including those in the areas of rights and freedoms of man and citizen. By the act of ratification, adoption or approval, all the international instruments have become an integral part of our internal legal order.

For the purposes of this report, one should bear in mind in particular certain documents of international organizations addressing the protection and promotion of national minority rights such as: the International Covenant on Civil and Political Rights (Article 27); the Convention on the Prevention and Punishment of the Crime of Genocide (Articles 1-4); the International Convention on Elimination of all Forms of Racial Discrimination (Part I, Articles 1-7); the International Covenant on Elimination and Punishment of the Crime of Apartheid (Articles 1-4); the UN Declaration of the Abolishment of All Forms of Racial Discrimination (Articles 1, 2 and 5); the European Convention on the Protection of Human Rights and Basic Freedoms (Article 14); the Final Act of the Conference on Security and Cooperation in Europe (Helsinki 1975, Madrid 1983, Vienna 1989).

We single out in particular the 1992 UN Declaration on the rights of national or ethnic, religious and linguistic minorities and the Document adopted at the second meeting of the Conference on the human dimension of CSCE held in Copenhagen in 1990 in the part relating to the rights of national minorities. Both documents advise and recommend to the states to adopt respective legislative and other measures in order to protect ethnic (national, cultural, religious, linguistic) minorities as well as to promote the rights and the identity of these minorities (UN Declaration, Articles 1 and 4, and the CSCE Document, IV, Articles 30 and 35).

Finally, we would wish in particular to point to the 1995 Council of Europe Convention on the protection of national minorities, which has not come into force yet because it has not been ratified by a required number of Council of Europe member states, the convention that, along with

the two international documents mentioned in the previous paragraph, constitutes and contains what is considered to be an international and/or European standard in the sphere of protection and promotion of national minority rights.

III Exercise of minority rights in FR Yugoslavia

The territory of FR Yugoslavia, according to the data provided by the Federal Statistical Bureau, had a population of 10,345,464 in 1991.

The share of different national minorities and ethnic groups in the total FRY population is presented in terms of figures and percentages in the following table:

THE NATIONAL STRUCTURE OF THE YUGOSLAV POPULATION IN 1991

1. Serbs	6,485,596	62.3%
2. Montenegrins	520,408	5.0%
3. Albanians	1,727,541	16.6%
4. Hungarians	345,376	3.3%
5. Moslims	327,290	3.1%
6. Croats	115,463	1.1%
7. Romanies	137,265	1.3%
8. Slovaks	67,324	0.6%
9. Romanians	42,386	0.4%
10. Macedonians	48,437	0.5%
11. Bulgarians	25,214	0.2%
12. Vlachs	17,557	0.2%
13. Turks	11,501	0.15%
14. Others	465,349	4.5%

The federal and republican regulations in force guarantee to members of national minorities in FR Yugoslavia all rights in keeping with the international documents which FR Yugoslavia has ratified and with the standards arising therefrom.

Education

In the field of education, it is necessary to take as a point of departure the standards established by the Convention on the struggle against discrimination in education, adopted by the UN General Assembly in 1963 and ratified by Yugoslavia under her 1964 Regulation. This Convention prohibits any discrimination or differences based on race, gender, language, religion, political or other beliefs, national or social background, that are designed to cause or result in the destruction or undermining of equality in actions in the field of education. Article 5 of the Convention points out in particular that persons belonging to national minorities should also be recognized the right to use their language and to conduct instruction in that language provided that: that right is used in a manner which will not prevent national minorities from understanding

the culture and the language of the entire community and from taking part in its life or which will not put in jeopardy national sovereignty; that education in such schools is not inferior in quality to that prescribed or approved by the competent authorities and, finally, that attendance of those schools is a matter of free choice

Taking all this into account, the above mentioned as well as other provisions of the Convention have become an integral part of our domestic legal system not only owing to the ratification of this Convention but also thanks to the enforcement and further development of its provisions by means of new laws.

Education in FR Yugoslavia is available to all under equal conditions and elementary eight-year education is compulsory. Regular education in any of the languages that are in equal official use, in primary, secondary and higher schools, is free.

The constitutional right of persons belonging to national minorities to be taught in their language has been elaborated in a number of republic laws and other regulations. The educational process in minority languages is organized at pre-school level up to university level.

Under the Law on elementary schools and the Law on secondary schools of the Republic of Serbia, persons belonging to national minorities will follow the curricula in their native language provided at least 5 pupils enrol in the first grade and even fewer subject to the educational minister's approval. The Law also provides for the possibility of bilingual schooling or additional classes of minority language with elements of national culture as an elective subject.

According to the data for the 1993/1994 school year, elementary instruction in Autonomous Province of g Vojvodina is conducted in five teaching languages: Serbian, Hungarian, Slovak, Romanian, and Ruthenian. In 38 out of Vojvodina's 45 townships pupils are taught in one or several minority languages: in Hungarian in 29 townships, in Slovak in 12, in Romanian in 10, and in Ruthenian in 3 townships.

Education in the Bulgarian language or bilingual instruction is conducted in 38 primary schools in the townships with a higher percentage of ethnic Bulgarians (Bosilegrad and Dimitrovgrad) which are attended by 2,451 pupils.

Pupils belonging to the Hungarian national minority attend classes solely in their native language in 42, Slovak in 7, Romanian in 13, and Ruthenian in 1 elementary school in Vojvodina. Parallel instruction in Serbian and any of the minority languages is conducted in 100 elementary schools and in another two schools pupils are taught in 3 minority languages. Of the total schooling population in Vojvodina, 11.54% attend elementary school in Hungarian, 2.19% in Slovak, 0.82 % in Romanian and 0.35% in Ruthenian, which is more or less proportionate to Vojvodina's overall ethnic structure. In areas where pupils are only taught in Serbian, the pupils whose native language is other than Serbian have an elective "Native language with elements of national culture" with two lessons a week from form I to form VIII grade..

In 37 secondary schools in Vojvodina, instruction is conducted in one of the four minority languages: in Hungarian in 27 schools, in Slovak in 2, in Romanian in 2 and in Ruthenian in 1 secondary school.

Teaching and education in national minority languages in secondary school facilities takes place under the Law on secondary schools, which, similarly to the Law on elementary schools, stipulates that at least 15 students in the first form of lycee, vocational and art schools are required for the following of the curriculum in their national minority language. Instruction in a minority language in cases where the 15 requirement has not been fulfilled is subject to approval by the Education Minister. The schools which provide instruction in national minority languages alone are likewise obliged to create the conditions for the following of the Serbian language curriculum and in areas where bilingual instruction takes place or children are taught in several minority languages, the school must provide conditions for the following of the curriculum in the subject of native language with elements of national culture. Instruction in a national minority language - Hungarian, Slovak, Romanian and Ruthenian - is conducted in 18 of Vojvodina's townships, in 12 lycees, and in 20 vocational schools, involving 290 classes and 7,240 students. In elementary and secondary schools where pupils and students are taught in minority languages, the Law stipulates the requirement for teachers to also keep records in minority languages, and the public school report is issued in those languages as well.

Under the provisions of the Law on higher schools and the Law on the university of the Republic of Serbia, instruction is conducted in Serbian, but may also be conducted in a minority language, subject to a decision taken by the founder of that school and the procured approval from the University. High and higher education in Hungarian is organized at 7 faculties, in Slovak at 2, in Romanian at 2 and in Ruthenian at 2 faculties.

The Law on higher schools and the Law on the university have consistent provisions regulating the organization and conduct of instruction in minority languages, as well as record-keeping in registries on the issued diplomas and the issued public certificates attesting to the completed studies. According to the data for the 1993/1994 school year, 11 higher schools in Vojvodina are attended by 717 students belonging to the Hungarian, Romanian, Slovak and Ruthenian national minorities, of which 466 attend lectures in their native language. Of the total number of students belonging to national minorities, the following percentages study at higher schools in their respective native languages: 69.3% of Hungarians; 32% of Slovaks; 91.07% of Romanians; and 4.76% of Ruthenians. The 13 institutions of high learning in Vojvodina are attended by 1,598 students belonging to national minorities, of which 357 students study in their native language.

A similar education arrangement is applied in Autonomous Province of Kosovo and Metohija, but ethnic Albanians are boycotting the legal educational system from elementary to high education facilities, which provide the instruction in Albanian. Prior to the boycott, there were 904 Albanian schools with 315,000 pupils, 69 secondary schools with 73,000 students, and the University in Pristina which was attended by 37,000 students, 80% of which were Albanians studying in the Albanian language. 98% of education-related costs was financed by the Republic of Serbia. By the number of students, Autonomous Province of Kosovo and Metohija was the

fourth in the world (behind US, Canada, and the Netherlands), while at the same time no more than 19,000 students were receiving their schooling at the University in Tirana.

The present state of affairs in education is characterized by the fact that persons belonging to the Albanian minority are taught in their native language at state-owned buildings and the Republic of Serbia has secured all that is necessary for the normal operation of schools, observing the principles enshrined in the relevant international documents. There are currently in Kosovo and Metohija 1,400 elementary schools in operation, 60 secondary schools and education centres and the University with 14 faculties. Teachers belonging to the Albanian minority use state-owned classrooms and teaching aids, teach in Albanian and only refuse to receive salaries from the Ministry of Education of the Republic of Serbia because that act would mean their recognition of the state of Serbia. At the University in Pristina, there are both professors and students belonging to the Albanian national minority.

It is solely for political reasons that the Albanians are refusing to accept a uniform educational system which applies to the territory of the Republic of Serbia, the curricula adopted by the competent government agencies, as well as a uniform certificates and diplomas system. Differences between the curricula are not numerous as no more than four subjects are a matter of dispute: language, history, geography and musical culture. All attempts to reach agreement, even with the aid of international mediators in Geneva, have failed due to the obstructive attitude of the representatives of the Albanian minority. Albanian separatists refused to submit their curricula to the Ministry of Education of the Republic of Serbia for verification. Nevertheless, the Republic of Serbia has been allocating substantial funds for the maintenance of instruction for the Albanian minority members.

In Kosovo and Metohija the parallel education of pupils and students is taking place under illegal curricula and criteria and with the use of illegal textbooks. The diplomas that are issued are not recognized nor can be recognized in either FR Yugoslavia or abroad.

The Republic of Serbia and FR Yugoslavia have so far demonstrated a high degree of wilingness to make concessions so that Albanian children may not suffer the consequences of this unreasonable policy. The authorities have shown their willingness to recognize the school years completed in the illegal school system provided that diplomas be issued by the competent bodies of the Republic of Serbia: yet, not even this offer was accepted. The Albanian separatists have repeatedly insisted on the certificates and diplomas being issued by the illegal bodies of the non-existent and unrecognized "Republic of Kosovo".

In 1992, the Government of FR Yugoslavia made the following proposal within the framework of the Geneva Conference on Yugoslavia for the settlement of educational problems in Kosovo and Metohija:

1. to reach agreement for the maximum guarantees, preservation and development of the cultural identity of persons belonging to Albanian national minority in FR Yugoslavia;

2. to re-employ all Albanian teachers who have wilfully abandonded their work posts (except for a small number of teachers who have commited criminal offenses);

3. to recognize, in favour of Albanian pupils, the two years they completed in the parallel and illegal educational system;

4. to ensure that instruction at all levels is conducted in the existing state-owned school buildings, and

5. to recognize the 1990 curriculum of the Republic of Serbia This proposal by the Government of FR Yugoslavia continues to be valid, but the secessionist Albanian leaders in Kosovo and Metohija have persistently turned it down.

The Law on elementary schools of the Republic of Montenegro stipulates that schools or classes with instruction in the Albanian language as well as those with bilingual instruction shall be established in areas inhabited largely by persons belonging to the Albanian national minority. At the schools with instruction in the Albanian language, register books are kept and school certificates issued in the Serbian and Albanian languages.

According to the statistics for the 1995/1996 school year, 3,118 pupils of Albanian nationality enrolled in the 11 elementary schools in the Republic of Montenegro at which pupils are taught in Albanian.

The Law on secondary schools in the Republic of Montenegro stipulates that persons belonging to the Albanian national minority can be taught in Albanian conditions permitting and that schools or classes with bilingual instruction can be established as well At the secondary schools with instruction in the Albanian language, like at elementary schools, register books are kept and certificates and diplomas are issued in the Albanian language as well.

According to the statistics for the 1995/1996 schoolyear, there are three secondary schools in the territory of the Republic of Montenegro- at Plav, Tuzi and Ulcinj - with instruction in the Albanian language conducted by 83 teachers of Albanian nationality and attended by 900 students belonging to the Albanian nationality.

Information, publishing activities and culture

It follows from the provision of the Constitution of FRY which lays down the right of national minorities to public information in their respective languages, and also from the relevant provisions of the republic laws on public information, that the international standards have been met in this area as well.

The statistics for 1994 show that the following numbers of daily papers, magazines and different bulletins are published in FRY: 75 in Hungarian; 17 in Romanian and Ruthenian; 12 in Czech and Slovak; 25 in Albanian; 3 in Turkish, and 3 in Bulgarian. 19 papers and 36 magazines are published multi-lingually.

In keeping with the provisions of the Constitution of the Republic of Serbia and the Law on Public Information, there is a large number of public media in Serbia which use national minority languages - Albanian, Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Turkish, Bulgarian and Romany. All public media using minority languages are edited by persons belonging to the respective minorities

The republic Law on public information in the Republic of Serbia makes it possible for everyone to publish papers even without any preliminary authorization, simply by entering the name of the paper into the competent court's registry. Autonomous Province of Vojvodina is responsible for securing the required preconditions for the public information in minority languages and scripts as well. For example, the 1994 provincial budget allocated the funds for supporting the publication of 14 newspapers and 4 magazines in national minority languages

Furthermore, Radio Television Pristina broadcasts TV and radio programming in Albanian, whereas radio programming is also broadcast by 6 local radio stations. 25 papers come out in Albanian with a total annual circulation of 21 million and 40 magazines with a total annual circulation of 300,000 copies.

Radio Pristina broadcasts programming in the Albanian language every day after 15.30 hrs. The programming is basically of an informative nature and the speech to music ratio is 20 % to 80 %. Apart from the news bulletin which is broadcast on top of the hour, the following informative programs are produced every day before 15.00 hrs: the 12 o' clock News (10 minutes); the Events of the Day at 15.00 hrs (30 minutes); the Evening News at 18.30 hrs (30 minutes); and the Daily Chronicle at 22.00 hrs (15 minutes). Radio Pristina also takes over every day Radio Yugoslavia's informative program in Albanian which is broadcast from 21 - 21.15 hrs.

Radio Pristina broadcasts programming in the Turkish language every day from 11 to 18 00 hrs. Apart from informative-political programs, news bulletins and the evening news, the programming also features topics relating to culture, science, education, drama, entertainment, sports and music.

Radio Pristina also broadcasts two one-hour programs (on Thursdays and Sundays) in Romany covering the most important events related to the life, culture and customs of the Romanies.

Apart from Radio Pristina there are also local radio stations in the area of Kosovo and Metohija, as for instance Radio Metohija (Pec), Radio Kosovska Mitrovica, which broadcast programs in minority languages - in Albanian, Turkish and Romany.

Television Pristina broadcasts in Albanian day-to-day news (duration 10 minutes) and evening news (25 minutes). At present TV Pristina produces an average 47 minutes of programming in Albanian every day, that is 329 minutes a week or 17,019 minutes a year. In addition to the Albanian language, Television Pristina also broadcasts programs in Turkish whose

annual duration is 10,316 minutes as well as an 'informative-magazine' program in Romany with a total annual duration of 1,178 minutes.

The Radio Pristina and TV Pristina programs in Albanian are organized as business units like the programs in Serbian and in Turkish, and the units are led by responsible editors who look after the production of certain broadcasts and their contents.

There is a disproportion between the Serbian language program and the Albanian language program, largely due to the shortage of personnel needed for the production of programs in Albanian. Vacancies remain unfilled because qualified applicants are in short supply as persons belonging to the Albanian national minority are refusing to work at enterprises financed by the state.

Of a total of 285,827 hrs of radio and TV programming broadcast in FRY in 1994, 6,454 hrs was in Albanian. In that year, 105 hrs of radio and TV programming was broadcast in Bulgarian; 19,543 in Hungarian; 3,599 in Romanian; 1,803 in Ruthenian; 5,485 in Slovak; 3,149 in Turkish, 48 in Ukrainian; and 4,614 hrs in other minority languages.

The radio stations in Vojvodina broadcast programs in 8 languages: Serbian, Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Macedonian and Romany. Radio programs in Hungarian are broadcast for 24 hrs a day, in Slovak on average 7 hrs a day, in Romanian 7 hrs as well, and in Ruthenian for 4 hours a day. These data relate to Radio Novi Sad - the main station for Vojvodina's territory. However, there are also in this province another 27 regional and local radio stations of which 4 produce and broadcast programs in 4 languages, 6 stations have programs in 3 languages, 8 stations use 2 and 4 stations one language.

Television Novi Sad broadcasts regularly in 5 languages: in Hungarian - every day; and in Slovak, Romanian and Ruthenian 5 - 6 times a week.

In 1993 the following numbers of books and brochures were published: 48 in Hungarian; 17 in Czech and Slovak; 16 in Romanian; 5 in Albanian; 1 in Bulgarian and 221 books in several languages.

In 1993, 41 books were published in Hungarian with an average circulation of 1,000 copies each, 7 books in Slovak with a circulation of 500 each and 6 to 7 books in Romanian and in Ruthenian with a circulation of 500 copies each. The library network across Vojvodina hold books in minority languages that correspond to the ethnic structure of the population: 76.67 % of their books are in Serbian; 15.65 % are in Hungarian; 1.12 % in Slovak; 1.04 % in Romanian and 0.22 % in Ruthenian.

In keeping with the provisions of the Law on Public Information of the Republic of Montenegro, there are several papers in the Albanian language in that republic, as well as the monthly magazine "Fati" which is published in Ulcinj and the weekly "Polis" which is published in Podgorica. Television of Montenegro broadcasts dayly its 15-minute news in Albanian, and on

Saturdays a 60-minute informative-cultural program. Montenegrin radio-stations broadcast 30-minute news in Albanian every day.

The interests of minority populations in the area of creative work and culture are looked after by the respective mother nations, communities and societies which, in co-operation with relevant provincial cultural institutions, prepare programs and carry out activities to maintain and cherish national identity, preserve and promote people's language, literature, the arts and folklore

Persons belonging to the Albanian national minority have not abandoned their work posts en masse and in an organized manner at the cultural institutions in Kosovo and Metohija On the contrary, Albanians are employed in almost all cultural institutions and they make up a majority in many of them. Thus, for example, cultural centres or culture clubs in most towns in Kosovo and Metohija employ ethnic Albanians who outnumber Serb employees. Only 3 out of the 8 employees at the Provincial Cultural Centre in Pristina are Serbs and all employees at the Municipal Cultural Centre in Glogovac are Albanians; the same applies to the state archives and museums. For instance, of the 34 employees at the Kosovo and Metohija Museum 20 are ethnic Albanians, i.e. around 60 %.

At the Institute for the Protection of Cultural Monuments of Kosovo and Metohija, 10 out of the 25 employees are ethnic Albanians, and the same ratio exists in other municipal institutes as well.

At the National Theatre in Pristina there are two organizational units - the Serbian drama and the Albanian drama; however, the Albanian drama has a larger number of actors and other artistic and technical personnel. The same applies to the theatre of the young and to the Puppet theatre in Pristina and to the theatre in Djakovica where ethnic Albanian employees constitute a majority. These and other theatres in Kosovo and Metohija give performances in Albanian not only in this province but throughout Yugoslavia and abroad as well. At the National Theatre in Novi Sad there is an organizational unit - Drama which operates in the Hungarian language.

The activities and the programs of these institutions are financed by the state. The same applies to the protection of cultural monuments, regardless of their national origin. Apart from these institutions and their activities, other institutions pursue their activities quite independently, like the "Society of Kosovo Authors" and a large number of libraries. The activity of the libraries is largely based on nationalist and separatist principles but they are nevertheless allowed to operate using state-owned premises.

The right to political organization

Persons belonging to national minorities have the right to self-organization, political organization and political representation. In fact, persons belonging to all national minorities except the Albanian national minority, use this right in accordance with the constitution and the law.

Bearing in mind that the Constitution of the Republic of Serbia defines a province as a form of territorial autonomy, it vests the republic Assembly and the Government with legislative and executive powers. A province has a statute which is adopted by its assembly, subject to previous agreement from the National Assembly of the Republic of Serbia. The bodies of an autonomous province are: the assembly, the executive council and the agencies of government administration. Albanian political leaders have abused the amendments to the Constitution of the Republic of Serbia and used it as a pretext to suspend any dialogue, not only with the authorities in Belgrade, but also with other national minorities, which gave rise to further ethnic divisions. In Kosovo and Metohija the institutions of a parallel authority - the state-legal and Albanian-alternative - were set up. In July 1990 the Albanian secessionist leaders adopted a Constitutional declaration whereby they declared Kosovo and Metohija the "Republic of Kosovo", and in September of the same year a secret meeting of Albanian delegates of the dissolved "Assembly of Kosovo" adopted at Kacanik even the "Constitution of the Republic of Kosovo". The Albanian political elite most clearly elaborated on its refusal to engage in a dialogue on the status of Albanians in its Political Declaration adopted on 12 October 1991 by the "Coordination Council of Albanian Political Parties in Yugoslavia". The declaration envisages three plans for the settlement to the "Kosovo" issue, depending on the stand of the international community regarding the settlement of the Yugoslav crisis which at that time was well into the arming stage. According to the initial plan which envisaged no change of borders of the second Yugoslavia, the Albanian leaders insisted on the constitution of an independent, sovereign "Republic of Kosovo" which would embrace all ethnic Albanians from Kosovo and Metohija, Macedonia and Montenegro and have the right to associate in a Community of Yugoslav States. In case of changes of only the inter-republic borders, they envisaged the possible establishment of an ethnic Albanian Republic and finally in case there were changes of Yugoslavia's external borders, the Albanians would, according to the provisions of the Declaration, call a referendum at which they would decide on secession from Yugoslavia and unification with Albania.

Guided by those objectives, the Albanian separatist leaders set up a parallel system of authority and dissuaded the Albanian population from taking part in the 1991 population census as well as from using their universal suffrage in the election of government bodies in FR Yugoslavia, the Republic of Serbia and local authorities in the period from 1990 until the last elections on 19 December 1993 (they failed to turn up for the elections three times, twice for the federal elections, and once for local elections)

However, the Albanians living in the territory of the Republic of Serbia outside Kosovo and Metohija as well as the Albanians in Montenegro did take part in the republic and local elections. As a result, they have, for instance, two deputies to the Assembly of the Republic of Serbia as well as their representatives in municipal authorities.

Contrary to the ethnic homogeneity of the province of Kosovo and Metohija, the northern province of Vojvodina is an example of a distinctive multi-ethnic community deriving from a different cultural heritage. Manifestation, preservation and promotion of ethnic identity, tolerant relations in the conditions of cultural and ethnic pluralism, were the factors that turned a deaf ear to the call of extreme nationalism in our distant and recent past. Even after the events which preceded and occurred during the dismemberment of SFR Yugoslavia, Vojvodina has remained a stable and multi-ethnic community of Serbs, Montenegrins, Hungarians, Romanians, Ruthenians, Slovaks, Croats, Romanies, etc. Dissatisfaction with their status and the feeling of being threatened were in evidence among persons belonging to national minorities in Vojvodina following the spreading of the war and conflicts throughout Croatia and Bosnia-Herzegovina and the hostile statements by a part of the Serbian opposition concerning the persons belonging to non-dominant ethnic communities. The stability in Vojvodina's multiethnic space was enhanced by the fact that the level of rights related to the preservation, promotion and manifestation of ethnic specificities of non-Serb populations has not declined in any larger measure in the newly-formed Yugoslav state. A similar opinion was stated by persons belonging to minority populations in an opinion poll on the status of national minorities and ethnic groups in Vojvodina who regard Yugoslavia as their fatherland and who use all their rights related to ethnic identity in a satisfactory manner. A precondition for good inter-ethnic relations, according to persons belonging to non-dominant ethnic groups in Vojvodina, is the constituting of FRY on the democratic principles of a civil state of equal citizens regardless of their ethnic origin. Persons belonging to the four largest national minority communities in Vojvodina see in the respect for the Constitution and the law, development of democratic relations, tolerance and trust, the guarantees by the state, as well as in the consistent implementation of the proclaimed rights and in appropriate material and institutional resources, the guarantees for a stable status of all ethnic groups.

By taking advantage of the right to political association, the Hungarian national minority, for example, has won five deputy seats in the Republic Parliament through the Democratic Union of Vojvodina Hungarians (DUVH). A certain number of persons belonging to the Hungarian national minority had or are still having the status of deputies of certain other parties or of parties without a national prefix. At the most recent provincial elections, 120 deputies were returned to the Assembly, of which 23 belong to the Hungarian minority. Ethnic Hungarians hold all important offices in the agencies of government administration in the townships where persons of this minority form a majority. Thus, for instance, Hungarians make up 42.77 % of the population in the Subotica township and are represented by 67 deputies to the Municipal assembly (of which 28 deputies belong to DUVH). Both the Mayor and the President of the Executive Council are members of DUVH.

These dominant as well as other minorities are represented in provincial and particularly in local authorities.

On the basis of everything that has been said so far it follows that persons belonging to national minorities in FR Yugoslavia, except almost all persons belonging to the Albanian national minority from Kosovo and Metohija, are using their right to political association in accordance with the constitution and the law.

The right to the official use of a native language and script

The FRY Constitution recognizes to the national minorities the right to develop, preserve and express their linguistic specificities and in the parts of FRY inhabited by national minorities, their languages and scripts, too, are in official use, in accordance with the law. The minorities are likewise guaranteed, as set out above, the right to public information and schooling in their native language in accordance with the law.

There is no comprehensive law at the level of FRY regulating the official use of languages and scripts, but the Federal Government is currently working on one such project. The Republic of Serbia has passed the Law on the Official Use of Languages and Scripts which stipulates that in the areas of the Republic of Serbia inhabited by minorities also their languages and scripts will be used together with the Serbian language in official communications.

According to the above mentioned Law, the official use of languages and scripts entails the use of those languages and scripts by the state authorities, agencies of the autonomous provinces, towns and townships, institutions, enterprises and other organizations pursuing the activities set forth in this Law. The official use of languages and scripts also includes the use of languages and scripts for writing the names of places and other geographic names, the names of squares and streets, the names of agencies, organizations and firms, public announcements, information and warnings, as well as the writing of other public inscriptions. The Law further stipulates that the official use of languages and scripts entails in particular their use in verbal and written communications between government bodies, organizations, as well as clients meaning individual citizens, the conduct of proceedings for the exercise and protection of civil rights, duties and responsibilities, prescribed record-keeping, issuance of identification documents, exercise of the rights, duties and responsibilities by employed or formerly employed persons.

The Law stipulates that the townships inhabited by minorities shall decide when minority languages will be in official use in their territory, i.e. specify in the municipal statute which language or minority languages shall be in official use in their township.

We shall here illustrate how the constitutional and legal provisions on the official use of languages and scripts are enforced in practice by looking at AP Vojvodina, a province with a specific ethnic composition. Namely, Serbs account for 57.3 % of its population, Hungarians - 16.9 %, Yugoslavs - 8.4 %, Croats - 3.7 %, Slovaks - 3.2 %, Montenegrins - 2.2 %, Romanians - 1.9 %, Romanies - 1.2 %, Bunyevats - 1.1 %, Ruthenians - 0.9 %, Ukrainians - 0.24 % and others - 3.2 %.

The statute of Autonomous Province of Vojvodina as the basic legal act of the Province stipulates that in parallel with the Serbian language and the Cyrillic script (and in the Latin script as laid down by the law), the government agencies of Autonomous Province of Vojvodina will officially use Hungarian, Slovak, Romanian and Ruthenian languages and their respective scripts, as well as the languages and scripts of other national minorities as stipulated by law. Regular simultaneous interpretation into five languages is provided at the Vojvodina Assembly sessions. Communications between clients (citizens) and the provincial authorities take place in the languages of the national minorities. The courts of law in Vojvodina have the necessary capacities for the conduct of proceedings in the languages which are in official use in particular areas and in cases where such a possibility does not exist, a sworn-in court interpreter is provided.

Of the total 45 townships in Autonomous Province of Vojvodina, 37 have included in their statutes a provision governing the official use of the languages and scripts by the respective national minorities living in their territories so that one or several minority languages are in official use as well. In parallel with Serbian, the Hungarian language and script are in official use in 31 townships, Slovak in 12, Romanian in 10, Ruthenian in 6, and Czech in 1 township. (There are no more than 2,910 Czechs living in the entire Yugoslavia, of which 1,844 in Vojvodina) A considerable number of townships use several languages and scripts simultaneously and equally

In the Republic of Montenegro, the relevant Constitutional arrangements are carried out directly. In particular, Article 68 of the Constitution of the Republic of Montenegro guarantees the persons belonging to national minority and ethnic groups the right to freely use their language and script and the right to be educated and informed in their language.

The right to communication with the mother nation and her representatives

As we have noted in the introductory part of this report, the Constitution of FR Yugoslavia goes a step further than the International Covenant on Civil and Political Rights and stipulates a special right for persons belonging to national minorities to maintain links and relations with their mother state In this manner, FR Yugoslavia wishes to develop good relations with her neighbors on the basis of equality, respect for each other's sovereignty and for the territorial integrity as well as to the mutual benefit. This is in the interest of all peoples and is the basis of stability in the region. The peoples of FR Yugoslavia and her neighbors are compelled by their historical ties to live together and persons belonging to national minorities in these states should serve as bridges for good-neighbourly cooperation.

The right to freedom of religion

The Constitution of FR Yugoslavia as well as the constitutions of its member republics guarantee the freedom of religion to all citizens without any discrimination. Pursuant to the constitutional arrangements, the church is separated from the state and is free to organize religious life, including the organization of religious schools.

The constitutional and legal provisions and the equality established in practice have made it possible so far for around 50 registered religious communities to operate in the Republic of Serbia and in the Republic of Montenegro.

The Islamic community is active among persons belonging to the Moslem faith and particularly among the Albanians, whereas the Roman Catholic Church is active among the Croats and the Hungarians. Traditional protestantism is represented by the Slovak-Evangelist Church which brings together persons belonging to the Slovak national minority and by the Christian Reform Church which is active among the Hungarians.

All religious communities perform religious rites and establish their internal organization quite independently and in full freedom. They also pursue freely and without any state control their international relations and apply for membership with international ecclesiastical fora and other inter-church associations. The delegates to such international gatherings and members of such international church fora are elected by the religious communities in keeping with their respective criteria.

Most religious communities have developed various publishing activities. They publish religious service and other books, university and secondary school textbooks, as well as a number of magazines for children, youth, the family or the broadest number of believers and others concerned. Emphasis of late has been placed on the publishing and distribution of video and audio tapes, up-to-date devices that reach believers somewhat faster. All religious communities, especially the minor ones, import considerable quantities of different publications from abroad. Thus, for instance, on the initiative of the Ministry for Religions of the Republic of Serbia, the Islamic Community - the Madrasa in Novi Pazar - has imported duty-free from France 20,000 copies of Koran which were then distributed to the students at the madrasa in Novi Pazar free of charge. The imported quantity will, it is believed, meet the needs of that school in the coming ten years. Religious books are sold without any restrictions at bookshops and at other convenient places and the publishers of such works exhibit them successfully at the book fair and at other similar events. Religious production is subject to general regulations applicable to all publishers. The distribution of such publications is completely free and not subject to any censorship.

All religious communities are able to quite freely conduct religious instruction and teach their followers' children and other persons concerned. Instruction takes place on Church and other appropriate premises. Textbooks and lecturers are provided by the religious communities in keeping with their criteria. The success of religious instruction and its child coverage depend in particular on the degree of organization of each individual religious community and the lecturers' capability to generate interest among their students. The regulations in force do not envisage the possibility of organized religious instruction at state-owned schools, but certain surveys are underway to explore all the aspects of a possible arrangement designed to offer religious instruction as an elective school subject to children who express an interest therein.

Certain religious communities that are active in the Federal Republic of Yugoslavia run schools for priests and some send their personnel for training abroad.

The Islamic community has two secondary schools for the training of Imam personnel. The Madrasa in Pristina organizes instruction in the Albanian language and that in Novi Pazar in Serbian. At the Pristina madrasa there are around 250 students, and around 150 at that in Novi Pazar. Higher education is acquired at universities in Arab and other Islamic countries which provide very favourable studying conditions for all those concerned.

The Christian Adventist Church has located its Faculty of Theology in Belgrade with around 100 full-time and part-time students. The Christian Baptist Church has a secondary and higher school of theology in Novi Sad with a small number of students, and the Roman Catholic Church has its secondary seminary in Subotica.

A number of religious communities which are active in the Federal Republic of Yugoslavia send their personnel for training abroad and, upon completion of their studies,they in most cases re-assign them to local churches. All the religious communities which have their religious schools draw up their curricula and publish textbooks and other teaching aids quite independently. The church organs responsible for education select the teaching staff according to their own criteria. They pursue their enrolment policy and fix quotas in response to actual needs. All religious schools are outside the state schooling system. Due to the need to preserve their autonomy and the distinctive nature of religious schooling, the leaderships of these religious communities have so far not demonstrated an interest in changing that status.

The Islamic religious community in the Federal Republic of Yugoslavia has a remarkable number of religious facilities which meet all the believers' needs.

According to the Islamic community's official documents, this community has a total of 571 Moslem districts; 448 jaias with Imam; 123 districts without Imam; 457 mosques; 129 masjids; 58 Moslem primary school classrooms; 19 dervish monasteries (tekkes); 33 turbehs; 50 offices; 21 funeral preparation chambers (gasulachanahs); 7 Imam apartments; 233 leased buildings; and 817 cemeteries.

In Autonomous Province of Vojvodina there are around 200 Catholic churches and about 20 Reform churches which bring together believers who belong to different national minorities living in Autonomous Province ofVojvodina. Many of these buildings are protected by the state as cultural historical monuments.

In the Republic of Montenegro the Roman Catholic Church has 148 churches and 70 other religious facilities, whereas the Islamic religious community has 85 mosques and masjids, as well as 45 other ecclesiastical facilities.

IV Some specific problems concerning the use of national minority rights in FR Yugoslavia

Apart from the above mentioned rights, national minorities also use other general rights like: the right to health care, employment, entitlements stemming from employment, old-age and disability insurance benefits, child care, etc.

No major difficulties have been encountered in the implementation of these rights in Autonomous Province Vojvodina, whereas a great majority of ethnic Albanians in Autonomous Province of Kosovo and Metohija have been refusing to use those rights due to the well-known separatist trends which have been particularly pronounced in the past few years.

Health care

Due to the high birth rate among the Albanian national minority in Kosovo and Metohija (2.9 %), which is the highest in Europe, the population in this region has tripled in the past few decades. Such a high natural increment has led to a change in the health status of the local population in Kosovo and Metohija both with regard to its morbidity and mortality.

The high share of young people (1 - 14 years) who make up 42 per cent of the population and that aged below 30 who account for 70 per cent thereof accounts for distinctive morbidity and mortality patterns. The health status of the population is characterized, on the one hand, by a low mortality rate overall due to the high percentage of young population and, on the other hand, by a high percentage of mortality in the 0 - 4 years age group due to the failure to take up-to-date preventive measures, i.e. vaccination. Pristina boasts a Clinical-Hospital Centre comprising 20 clinics, centres and institutes, medical faculties, public health care centres, the Blood Transfusion Institute. There are also 4 large health centres in Pec, Prizren, Gnjilane and Kosovska Mitrovica. All these institutions have a 12,461 medical personnel of which 66 % are ethnic Albanians. The health service of Kosovo and Metohija operates as a part of a single health care system of the Republic of Serbia. The Provinces secure for their citizens the right to health care in the same manner as it is provided to the citizens in other parts of the Republic, regardless of their religion, ethnic origin, gender, age, etc. Despite the successful development of the health service and the results attesting to the improvement in the public health status, according to certain data and reports, the quality of the health care service falls short of the attained level of development and the internationally-recognized professional-medical principles.

The principled position of health workers who stand ready to extend appropriate health care to everyone who so requests provides a solid basis for re-building confidence among all citizens of this region. In addition to the many difficulties in organizing health-care activities, numerous problems have arisen as a result of sanctions so that health workers who were unable to procure sanitary and other necessary supplies have had to resort to most primitive methods to prevent the incidence of communicable diseases.

Employment

A large number of ethnic Albanian workers have wilfully abandoned their enterprises and government institutions obviously in response to the orders of their secessionist leaders, the orders that represent a gross manipulation and abuse for political purposes. The Constitution guarantees the right to work. Thus, for instance, the real objective of those who ordered ethnic Albanian workers to abandon their workposts was to paralyze economic life and promote the claim that "Kosovo is not Serbia". Thus, for example, the recent re-start of production at the Mining-Metallurgical Kombinat TREPCA and the return of a significant number of Albanians to work shows that the right to employment has not been denied to the Albanian population. The individuals who have resisted separatist pressures are now working normally in a number of different sectors.

This boycott has made it impossible to enforce Article 23 of the Universal Declaration on Human Rights, Article 6 of the International Covenant on economic, social and cultural rights and Article 5 of the Internatonal Convention on the abolition of all forms of racial discrimination.

However, notwithstanding the boycott, persons belonging to the Albanian national minority account for 60 % of around 120,000 employees in the social sector.

The Albanian population in Kosovo and Metohija owns the bulk of private capital in privately-owned firms. The Albanian separatist leadership has levied an illegal 3 % tax on all gainfully-employed persons to finance their separatist and other activities with a view to undermining the constitutional order and destabilizing the Republic of Serbia.

Child care

In the area of child care we wish to point out in particular to the problem of using the right to family allowance in Autonomous Province of Kosovo and Metohija.

Namely, in 1991 the number of family allowance recipients was 236,000, and at present this right is used by around 90,000 children. The reasons for this substantial reduction in the number of recipients are not and cannot be the arrangements laid down by the Law on social child care which was passed towards the end of July 1992 because the new arrangements, compared with those in force in Autonomous Province of Kosovo and Metohija in the previous period, extend the coverage of recipients that can claim family allowance also to farmers, the jobless and to the recipients of family welfare benefits. They also regulate in a more favourable manner the rate of family allowance by pegging it to the average monthly salary in the enterprise sector of the Republic.

The main reason for this reduction is the lower number of children who attend classes regularly, a requirement which must be satisfied throughout the Republic as a precondition for this entitlement.

It should be stressed here that the parents of the ethnic Albanian children who do not attend classes regularly have but in a small number of cases applied for this benefit and most have

not used their right to lodge a complaint nor resorted to any other legal remedies, it follows from all this that they neither wish nor dare use this right, being as they are under pressure from separatists Any attempts to place this problem in the context of violations of ethnic Albanian children's human rights are untenable The competent bodies of FR Yugoslavia and the Republic of Serbia seek to make ethnic Albanian children attend classes regularly again and thus qualify for other rights which belong to all citizens of FR Yugoslavia and the Republic of Serbia including the right to family allowance

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SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS:
HUMAN RIGHTS QUESTIONS

Report of the United Nations High Commissioner for Human Rights

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INTRODUCTION

1. Since the previous report of the United Nations High Commissioner on Human Rights to the Economic and Social Council (E/1995/112), the High Commissioner has submitted reports to the General Assembly (A/50/36) and the Commission on Human Rights (E/CN.4/1996/103) in accordance with his mandate, as specified in General Assembly resolution 48/141. The present report aims to brief the Council on the most important activities undertaken by the High Commissioner since his above-mentioned report to the Commission on Human Rights, copies of which are being made available to the Council.

2. The United Nations human rights programme is developing and being restructured in response to the various and complex mandates that have emerged in the wake of the World Conference on Human Rights, the current challenges of the international human rights agenda, and the demand by Member States for more efficient and effective action in the field of human rights (see the report by the Secretary-General on the restructuring of the Centre for Human Rights (A/C.5/50/71)).

3. The Medium-Term Plan crystallizes developments that have taken place since the World Conference on Human Rights and integrates the imperatives of that Conference with the High Commissioner's plan for human rights reform within the context of the evolving needs that have been identified by the international community. As such, the Plan seeks to:

(a) Develop an integrated and multidimensional strategy for the implementation, coordination and promotion of the right to development by facilitating action to be taken by relevant bodies of the United Nations system and other members of the human rights community, as well as international development and financial institutions. The respective subprogramme aims to strengthen analytical capacities to increase knowledge, awareness and understanding of human rights issues through research and data collection;

(b) Support the work of United Nations human rights bodies and organs;

(c) Promote and protect human rights through assistance and technical cooperation, provided at the request of States themselves, and support procedures established by the Commission on Human Rights and the human rights presence in the field.

4. The events and activities that are reflected in the present report illustrate the practical implementation of the United Nations human rights programme.

I. FIFTY-SECOND SESSION OF THE COMMISSION ON HUMAN RIGHTS

5. The Commission on Human Rights held its fifty-second session from 18 March to 26 April 1996; its report is before the Council (E/1996/23). The following are some of the important developments of that session:

(a) The Commission was opened, for the first time, by the Secretary-General. The enhanced status and prestige of the Commission was also emphasized by the large number of high-level government representatives, including foreign ministers, who attended the fifty-second session, the numerous and active participation of non-governmental organizations, and the close media attention that the event generated;

(b) The debate in the Commission reflected a growing international consensus on human rights issues. The Commission adopted 90 per cent of its resolutions and decisions without a vote. A notable and very encouraging example of the spirit of cooperation that prevailed was the adoption by consensus of Commission resolution 1996/15 on the right to development;

(c) It was noted that the Commission is functioning more and more as an organ that is reacting to the current and more pressing human rights needs around the world. Indeed, the Commission has already held three special sessions, two on former Yugoslavia (1992) and one on Rwanda (1994). And in response to the dramatic information being received from Burundi during its fifty-second session, the Commission decided to hold a special meeting on the human rights situation in that country. Special sessions and meetings provide an opportunity to evaluate specific situations and identify appropriate means for addressing them;

(d) The Commission heard statements from various special rapporteurs, chairpersons of working groups and representatives of treaty-based and other human rights bodies. That fruitful dialogue, which is an important contribution to the work of the Commission, should continue in the future;

(e) Throughout the deliberations of the Commission, there were several expressions of concern on the need to rationalize United Nations human rights machinery, including the Commission itself. The United Nations High Commissioner for Human Rights indicated that he is prepared to support all efforts in that regard. It is encouraging to note that consultations within the Commission achieved some significant progress that may facilitate further endeavours;

(f) The Commission launched preparations for the fiftieth anniversary of the Universal Declaration on Human Rights by adopting a resolution in which, inter alia, it requested the High Commissioner to coordinate system-wide activities to mark the event. The fiftieth anniversary should be a useful forum for reflection and stock-taking of the promotion and protection of human rights in the past and for the future. The High Commissioner is already preparing a programme of activities for the event, which will include wide consultations with States and other interested parties;

(g) In an effort to ensure a predictable source of funding and facilitate proper planning for human rights field activities, the High Commissioner urged States to contribute voluntary funds.

II. THE RIGHT TO DEVELOPMENT

6. The United Nations High Commissioner for Human Rights has always attached the highest importance to the right to development and he welcomed the consensus that was achieved by the Commission in adopting its resolution 1996/15 on the right to development. He further welcomed the Commission's decision to establish an intergovernmental group of experts to elaborate a strategy for the implementation and promotion of the right to development. The High Commissioner is prepared to provide the group with the necessary support.

7. The High Commissioner has arranged to meet with the executive secretaries of the regional commissions on 17 July 1996 in order to discuss how the United Nations human rights programme and the work of the regional commissions can be mutually reinforcing in order to effectively promote the implementation of the right to development.

8. Also in July 1996, a workshop of the World Bank and of the Office of the High Commissioner/Centre for Human Rights of the United Nations Secretariat will be held, with the participation of the High Commissioner, at World Bank headquarters in Washington, D.C. The workshop will address issues of human rights and sustainable development in the context of cooperation between the two institutions.

9. In November 1996, the High Commissioner will organize in Tunisia a seminar on the right to development, with the participation of development and human rights experts and representatives of national planning agencies. The purpose of the seminar is to elaborate on practical aspects of the implementation of the right to development at the national and international levels.

10. Through these and other activities, the High Commissioner seeks to develop a system-wide approach to the implementation of the right to development by:

(a) Raising awareness of the right to development among the different United Nations agencies;

(b) Identifying technical cooperation projects to support the right to development;

(c) Ensuring that United Nations human rights organs are better aware of the activities of the United Nations agencies with respect to the right to development;

(d) Cooperating on specific right-to-development projects.

Ultimately, the purpose of this approach is to implement the right to development at the country and international levels and to make the right a reality for individuals everywhere.

III. THE HIGH COMMISSIONER'S VISIT TO TUNISIA

11. The United Nations High Commissioner for Human Rights paid an official visit to Tunisia from 26 to 29 June 1996. During the visit, he held meetings on human rights issues with the President; the Ministers of Foreign Affairs, Justice, Interior and Social Affairs; the Secretary of State for National Solidarity; the President of the High Council for Human Rights and Fundamental Freedoms; parliamentarians; and university professors. The issues raised by the High Commissioner with government officials enshrined the human rights problems in the country, including cases of alleged human rights violations. In addition, he stressed the role of the cooperation by countries with the special procedures of the Commission on Human Rights, and encouraged the Government to consider inviting the assistance of special rapporteurs and working groups that could make constructive recommendations for further improvements in the field of human rights. During the meetings held with senior government officials and the visit to the site of a specific project carried out by the Fonds de Solidarité National, the High Commissioner noted that Tunisia has made significant progress in bringing national legislation in line with international human rights standards and in promoting women's and children's rights. He also noted a genuine effort to promote the progressive realization of economic, social and cultural rights. The High Commissioner discussed with the representatives of the Government holding an expert meeting in Tunisia on the right to development.

12. The High Commissioner also addressed the regional training course for human rights non-governmental organizations, which had been organized by the Arab Institute for Human Rights, holding meetings with leaders of human rights non-governmental organizations from 13 Arab countries, including the Tunisian League for Human Rights and the Board of the Arab Institute for Human Rights. The High Commissioner agreed to launch, in cooperation and partnership with the Arab Institute, an initiative to establish an Arab network for human rights education in the context of the United Nations Decade for Human Rights Education. He also expressed his commitment to support a technical cooperation project for strengthening the capacities of human rights non-governmental organizations and members of civil society in the Arab region. The project will be implemented, in cooperation with the Arab Institute, under the Voluntary Fund for Technical Cooperation.

IV. ACTIVITIES IN THE FIELD

A. Bosnia and Herzegovina, Croatia and Yugoslavia

13. The General Framework Agreement for Peace in Bosnia and Herzegovina commits the parties to ensuring the highest level of internationally recognized human rights and fundamental freedoms to all persons within their jurisdiction. On various occasions, the United Nations High Commissioner for Human Rights has stressed that the protection and promotion of human rights constitute one of the pillars of the peaceful development in this country and the entire region. The High Commissioner visited Bosnia and Herzegovina, Croatia and Yugoslavia from 6 to 11 May 1996. He met with the Heads of State, Prime Ministers and other high-level State representatives, as well as with the representatives of various international organizations active in the field, non-governmental organizations

and academic institutions. He also reviewed the performance of the United Nations human rights field presence.

14. The High Commissioner continues to support the peace process in Bosnia and Herzegovina through the implementation of the three-point programme presented during the Peace Implementing Conference (London, 8 and 9 December 1995), which involves:

(a) Developing and conducting training for international personnel who will be responsible for monitoring and other activities related to human rights;

(b) Making available to the High Representative (responsible for civilian aspects of the peace implementation) a limited number of human rights experts to assist in addressing human rights situations which, because of their complexity, require in-depth knowledge and experience;

(c) Continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons in the former Yugoslavia.

15. The human rights training provides a basic introduction to the human rights aspects of the peace implementation, and in the longer term fosters in-depth understanding of the complexities of human-rights monitoring and investigations. Training has been delivered to the officers of the International Police Task Force in Bosnia and Herzegovina since 17 January 1996, with positive results. Training for international civilian police in eastern Slavonia has also been provided. The role of the international police in former Yugoslavia is of vital importance. Its officers provide a neutral presence of authority and frequently succeed in resolving potential situations of conflict. In February 1996, an induction briefing was provided to the first group of Organization for Security and Cooperation in Europe (OSCE) monitors stopping in Vienna on their way to the field. OSCE has requested that further training be postponed until July in view of the current focus of its operation on elections. Training programmes have been tailored to the specific needs and functions of each category of monitors, and have included development of manuals for each target group. The High Commissioner has also declared the availability of the training programme to other international personnel, including the European Commission Monitoring Mission and personnel of the Ombudsman.

16. The United Nations human rights field presence has ensured its full cooperation in the area of human-rights coordination and analysis with the Office of the High Representative. Two highly qualified human rights officers are working closely with the Human Rights Coordination Centre in Sarajevo.

17. The United Nations human rights field presence supports the work of the Special Rapporteur, Ms. Rehn, and the Expert on Missing Persons, Mr. Nowak. Its team of human rights officers is fully engaged in gathering information, reporting on pertinent human rights developments and developing contacts with local authorities. Since the Peace Implementing Conference in London, new offices in Banja Luka, Erdut and Belgrade have been established. Assistance to Ms. Rehn and Mr. Nowak, in accordance with resolution 1996/71 of the Commission on Human Rights and in close coordination with other partners, particularly the

International Committee of the Red Cross and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia, includes facilitating the work of forensic experts with the objective of clarifying the fate of the 30,000 missing persons.

18. The High Commissioner observed that although significant progress in the protection of human lives had already been made, there was still enormous work to be done in the field of human rights. Unfortunately, numerous violations of pertinent provisions of the Dayton Accords and serious interference with the enjoyment and exercise of human rights have taken place throughout the region. Practical measures taken by the local authorities very often make it difficult, if not impossible, to ensure the return of refugees and displaced persons. Freedom of movement, freedom of media and the right to residence must be fully respected if the peace process is going to succeed.

19. In the view of the High Commissioner, the international community should continue and reinforce its efforts in the field of human rights to support a new climate of respect for human rights in the war-torn societies of former Yugoslavia. The priorities of the human rights programme should, inter alia, be (a) concrete steps aimed at full compliance by the respective authorities with their obligations under the international human rights standards and with their commitments under the Peace Agreement; (b) strengthening the national capacities for the promotion and protection of human rights; (c) taking a determined position against impunity; (d) establishing a programme for the protection of minorities; (e) carrying out a human rights education campaign; and (f) strengthening the non-governmental organizations community and other parts of civil society. The implementation of the human rights programme will depend on the establishment of a solid financial framework. The international community should be aware that without an effective human rights programme, the future of the positive results already achieved by military, political and economic efforts will be at risk. The High Commissioner reiterated during his visit that his Office was ready, resources permitting, to continue to support all international activities for promoting and protecting human rights in Bosnia and Herzegovina and other countries of former Yugoslavia. The Secretary-General, in his report to the Security Council of 13 December 1995 (S/1995/1031), stated that activities included in the High Commissioner's programme for Bosnia and Herzegovina would need to be financed by Member States since the United Nations had no resources available at present for that purpose.

B. Abkhazia/Georgia

20. In its resolution 1036 (1996), the Security Council, recognizing the importance of the promotion and protection of human rights for the resolution of problems related to the situation in Abkhazia, Georgia, expressed its full support for the elaboration of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, as described in the report of the Secretary-General concerning the situation in Abkhazia, Georgia, of 2 January 1996 (S/1996/5), and called upon the Abkhazian authorities to cooperate fully with efforts to that end. In his report to the Security Council concerning the situation in Abkhazia, Georgia (S/1996/284) of 15 April 1996, the

Secretary-General presented the outline of such a human rights programme, prepared on the basis of the results achieved by the mission that the High Commissioner had sent to Georgia, including Abkhazia, in February 1996. The programme was endorsed by the Security Council in its Chairman's statement of 25 April 1996. The programme envisages the establishment by the High Commissioner of an office in Sukhumi to follow the human rights situation in the area and develop technical assistance activities. On 25 April 1996, the OSCE Permanent Council adopted decision 115, supporting the OSCE contribution to the Human Rights Office in Sukhumi, which should include the availability of an OSCE human rights officer.

21. To date, the implementation of the programme has been hindered by a lack of financial resources. The High Commissioner has undertaken steps to obtain support from the regular budget and voluntary contributions.

C. Burundi

22. Since his appointment in April 1994, the High Commissioner has been increasingly concerned by and outspoken about the deterioration of the situation of human rights in Burundi, and has devoted significant efforts to the mobilization of the international community on behalf of Burundi. In close consultation with the Government of Burundi, he opened an office in Bujumbura in June 1994, which has since then been mainly active in the field of technical assistance and promotion of human rights among various groups of Burundi society.

23. In its resolution 1995/90, the Commission on Human Rights created the post of Special Rapporteur on the situation of human rights in Burundi, and expressed its conviction of the need to further increase preventive action, in particular through the presence of human rights experts and observers throughout the country. However, no funds were provided for the deployment of human rights observers until the beginning of 1996.

24. In April and May 1996, the first group of five human rights officers was deployed in Burundi. The main task entrusted to the first observers was to undertake an in-depth study of their observation mission and of actions to be taken in the extremely difficult context that currently characterizes Burundi, and to determine the extent to which it may be possible to envisage the deployment of an increased number of human rights observers throughout the country and to establish regional offices outside the capital. Their evaluation report will provide the basis on which the human rights field presence in Burundi should be extended.

25. The Special Rapporteur on the situation of human rights in Burundi, Mr. Pinheiro (Brazil), submitted his first report (including an addendum), which was based on two missions to Burundi from 21 June-2 July 1995 and from 9-16 January 1996, to the Commission on Human Rights at its fifty-second session. The Special Rapporteur intends to conduct a third mission to Burundi in July 1996. In his first report and subsequent addendum, the Special Rapporteur made it clear that the situation in Burundi was continuing to

deteriorate significantly and that a smouldering civil war was spreading further in the country.

26. For its part, since the substantive session of 1995 of the Economic and Social Council, the Security Council has remained seized of the question of Burundi, on the basis of regular reports or correspondence submitted to it by the Secretary-General.

D. Rwanda

27. In its first 12 months of operation, the Human Rights Field Operation in Rwanda (HRFOR) was able to establish a good working relationship with the Government of Rwanda at various levels, which is essential for effective monitoring of the current human rights situation. In October 1995, HRFOR entered its second year of operation. On that occasion, the High Commissioner took the opportunity to review the progress of the Operation in regard to all aspects of its mandate. At that time, the newly appointed Chief of HRFOR undertook a thorough revision of HRFOR monitoring and reporting procedures to ensure that the Government of Rwanda was kept fully involved, consistently and regularly, as well as to allow it to respond more fully to allegations of human rights violations and to work more constructively with HRFOR to redress them at all levels.

28. From the beginning of the operation, HRFOR has made special efforts to provide the Special Rapporteur with the required assistance in the fulfilment of the mandate entrusted to him by the Commission on Human Rights. The Special Rapporteur receives special assistance from a coordinator in the field, appointed in conformity with his wishes, and from two full-time professional officers based in Geneva.

29. With the withdrawal of the United Nations Assistance Mission for Rwanda on 8 March 1996, HRFOR has become the largest United Nations presence in Rwanda. It is therefore essential that the international community stand behind its commitment to the Government and people of Rwanda to ensure, through the Office of the High Commissioner, the full implementation of the HRFOR mandate to investigate past violations of international humanitarian law and human rights; monitor current violations of human rights; provide technical assistance and advisory services for rebuilding the administration of justice to enable the effective prosecution of individuals for past human rights violations, including genocide; address the serious situation in prisons and local detention centres (population over 74,000 as of June 1996); and provide effective confidence-building measures in order to facilitate the return of refugees and displaced persons and enable the rebuilding of civil society.

30. Unlike other human rights field activities, such as those in Haiti, Guatemala, Cambodia and El Salvador, HRFOR has never had the benefit of either assessed contributions or peace-keeping funds. The request made by the High Commissioner to the General Assembly for regular budget funding (see A/50/743, annex) was not approved. Although several contributions of a significant amount from many countries and organizations and special assistance from the European Union were received by HRFOR, the financial situation remains unstable.

Therefore, the High Commissioner remains convinced that regular budget funding is needed to put the operation on a more stable footing and avoid many unnecessary administrative and logistical problems.

E. Zaire

31. Pursuant to Commission on Human Rights resolution 1995/69 on the situation of human rights in Zaire, the High Commissioner sent several missions to Kinshasa to finalize an agreement between the Government of Zaire and the United Nations to allow the establishment of a human rights office in Zaire.

32. During the fifty-second session of the Commission on Human Rights, the High Commissioner met with the Zairian delegation, headed by the Minister of Justice, and presented a consolidated version of the agreement, taking into account observations made by the Government of Zaire. The Minister of Justice indicated that the signature might take place before the end of the fifty-second session of the Commission. However, the agreement was not finalized and the Commission, in its resolution 1996/77, strongly regretted that the Government of Zaire has not yet signed the agreement for the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa.

33. By letter dated 11 June 1996, the High Commissioner renewed his offer to the Government of Zaire to assist it in complying with the resolutions of the Commission on Human Rights.

F. South Africa

34. In September 1995, the Government of South Africa invited the Centre for Human Rights to undertake a needs assessment survey with a view to providing technical assistance to South Africa in the field of human rights. At the time of the invitation, the Centre was already involved in developing a project in South Africa in order to assist Fort Hare University, the nation's oldest historically black university, to launch a human rights resource Centre. The three-week high-level assessment mission was conducted by the Centre for Human Rights in March 1995. The mission met with a wide range of government officials, ministers, departmental staff, non-governmental organizations, community groups and foreign donors.

35. On the basis of the mission's findings, a comprehensive project of assistance has been developed, with a particular focus on economic, social and cultural rights, to provide expertise to key institutions, including the Human Rights Commission, the Land Department, the Ministry of Justice, and the Ministry of Safety and Security, for developing an institutional capacity for planning, implementing, managing and evaluating policies, strategies and training programmes for the protection and promotion of human rights, affirmative action policies, and plans of action and coordination of external assistance. The overall development objective is to contribute to the realization of all human rights and the elimination of inequality and the consequences of past discrimination in South Africa. Implementation of the project is expected to commence in the second half of 1996.

V. THIRD MEETING OF SPECIAL RAPPORTEURS/REPRESENTATIVES/ EXPERTS AND CHAIRMEN OF WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS AND OF THE ADVISORY SERVICES PROGRAMME

36. The Third Annual Meeting of Special Rapporteurs/Representatives/Experts and Chairmen of Working Groups of the Commission on Human Rights was held from 28 to 30 May 1996. In accordance with the recommendations adopted at the Second Meeting, the following items were under consideration: cooperation with the Office of the United Nations High Commissioner for Human Rights; restructuring of the Centre for Human Rights; format, length and deadlines for reports; assessment of progress made in achieving mandated objectives; coordination between the special procedures system and treaty bodies; the problem of the relationship between terrorist activities and human rights in the context of participants' mandates; integrating the rights of women; administrative questions, including budgetary issues.

37. In his opening statement, the United Nations High Commissioner for Human Rights referred to the profound transformations envisaged within the Centre for Human Rights for improving the quality of information, the efficiency of support and the effectiveness of actions. He described various initiatives that he had undertaken during the previous year to help enhance coordination and cooperation between the participants and his office, and recalled the first coordination meeting he had convened in Geneva with the three special rapporteurs of the Great Lakes region, as well as contacts that he had made with other United Nations bodies, in particular development and financial institutions. He also referred to various steps that he had taken to implement recommendations made at prior meetings of the participants.

38. The participants attached great attention to the follow-up to their recommendations as holders of mandates. They requested the High Commissioner that a study be carried out on the conditions under which he could intervene with a given country to facilitate the implementation of their recommendations.

39. The participants stressed the importance of coordination among the various bodies and agencies of the United Nations system dealing with human rights issues, including the exchange of information between the High Commissioner and the holders of mandates, on the one hand, and that among holders of mandates themselves, on the other. The High Commissioner informed them that under the new structure of the Centre that question would be definitively solved. Some participants expressed the view that recent developments concerning the establishment of human rights field offices were an important advance in the response to human rights violations, and they also stressed the need for a clear division of labour between field offices and the holders of mandates.

40. The meeting requested the High Commissioner to keep the Secretary-General, and through him the General Assembly and the Security Council, apprised of the activities of the holders of mandates. On the proposal of the High Commissioner, it was suggested that the Chairman of the Meeting meet annually with the Secretary-General.

41. The participants expressed great appreciation for the opportunity to exchange views and ideas with the Chairman of the fifty-second session of the Commission on Human Rights, Ambassador Gilberto Vergne Saboia, who attended the Meeting. The participants again reiterated that a 32-page limit for their reports could not be countenanced by special rapporteurs because such limits undermined their role and effectiveness in carrying out their mandates.

42. The participants had the opportunity to discuss problems related to cooperation with Mrs. Akila Belembaogo, the Chairperson of the Meeting of Persons Chairing Human Rights Treaty Bodies. It was stressed that coordination between treaty bodies and special rapporteurs/representatives/experts and working groups should be further increased, especially with regard to urgent actions.

43. Gender-specific analysis was deemed particularly important in evaluating and making recommendations concerning remedies to human rights violations. The view was expressed that country reports should develop gender-specific methodologies for monitoring and reporting on the realization of economic, social and cultural rights.

44. The participants received a draft manual for special rapporteurs/ representatives/experts and chairmen of working groups of the Commission on Human Rights. Their comments will be taken into account in the preparation of the final version.

VI. CONTRIBUTION TO THE SECOND UNITED NATIONS CONFERENCE ON HUMAN SETTLEMENTS

45. The United Nations High Commissioner for Human Rights, together with the Assistant Secretary-General for Human Rights, participated in the second United Nations Conference on Human Settlements (Habitat II) (Istanbul, 3-14 June 1996). The High Commissioner, in his statement to the Conference, raised the human rights aspects of the issue of housing, and focused on the adherence of the final document to the established human rights standards. He recalled that the right to adequate housing has been recognized since the adoption of the Universal Declaration of Human Rights in 1948, and enumerated the activities of the human rights treaty bodies and mechanisms dealing with the right. Most of the comments made by the Office of the High Commissioner/Centre for Human Rights on the right to adequate housing were integrated in the final document of the Conference. The High Commissioner also chaired a round table, with the participation of experts on the human right to adequate housing.

46. The Office of the High Commissioner/Centre for Human Rights, pursuant to General Assembly resolution 50/157, organized a ceremony during the Conference to celebrate and reflect upon the International Decade of the World's Indigenous People (1995-2004). The Assistant Secretary-General for Human Rights, in his capacity as the Coordinator of the Decade, made an introductory statement, while many delegations participated in the debate. A round table was also organized on the theme "Indigenous people, shelter and land", which was chaired by the Assistant Secretary-General for Human Rights, with the participation of experts in the field.

47. The Office of the High Commissioner/Centre for Human Rights participated in the hearings involving representatives of the United Nations system concerning the strategy for implementing the Habitat Agenda. In this context, it was stated that the right to adequate housing has been integrated into the overall activities of human rights. Specific proposals were made on applying human rights strategies to the implementation of the Plan of Action of the Habitat Agenda, taking into account the coordinating role of the High Commissioner in the field of human rights.

VII. CONTRIBUTION TO THE CONFERENCE ON REFUGEES, RETURNEES, DISPLACED PERSONS AND RELATED MIGRATORY MOVEMENTS IN THE COMMONWEALTH OF INDEPENDENT STATES AND RELEVANT NEIGHBOURING STATES

48. The Conference on Refugees, Returnees, Displaced Persons and Related Migratory Movements in the Commonwealth of Independent States and Relevant Neighbouring States, which was organized by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and OSCE (Geneva, 30 and 31 May 1996), should also have a substantial impact on the human rights situation in interested countries. The Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights have participated in and contributed to the overall process of the Commonwealth of Independent States (CIS) Conference ever since it started in January 1995. The High Commissioner/Centre maintained a close working relation with the CIS secretariat by sharing their expertise and providing background materials, as well as making contributions in the area of human rights and on the specific issues of forced displacement.

49. Throughout the process, in particular at Drafting Committee meetings, contributions were made to ensure that commitments undertaken under international human rights and humanitarian law standards were accurately reflected in the final document of the Conference. Particular emphasis was placed on making sure that (a) the restatement of the law did not reduce the level of protection already provided in international instruments and customary law; and (b) the approved principles were applied to all the relevant groups of concern to the Conference, including other groups in addition to recognized refugees under the family reunification regime, applying the broad definition of internally displaced persons, as utilized in the United Nations framework. The United Nations human rights programme will contribute to the implementation of the programme of action adopted by the above-mentioned CIS Conference.

VIII. IMPACT OF SYSTEM-WIDE SAVINGS MEASURES ON THE UNITED NATIONS HUMAN RIGHTS PROGRAMME

50. The 1996-1997 biennium budget of the human rights programme approved by the General Assembly represented the minimum necessary in order to carry out mandated activities. However, in February 1996, in the framework of the system-wide savings measures, the resources available from the regular budget had to be reduced by US$ 2.6 million in both post and non-post items, a reduction by approximately 6 per cent of the approved budget. Furthermore, a

vacancy rate of 6.4 per cent is to be maintained in both the staff of the Professional and General Service categories. Although those measures cannot remain without negative implications for the work of the Office of the High Commissioner for Human Rights/Centre for Human Rights, serious efforts are being made, also in the framework of the ongoing restructuring to minimize their negative impact on the capacity of action. Nevertheless, it must be stressed that the capability of the human rights programme depends on an adequate and reliable mix of regular budget resources and voluntary contributions from Governments and private entities.

51. The High Commissioner has been charged with a very broad mandate, the implementation of which, particularly concerning country projects, depends to a large extent on voluntary sources. In his report to the Commission on Human Rights (E/CN.4/1996/103), the High Commissioner stressed that the ever-growing demand on his Office/Centre to engage in such areas as confidence-building measures, technical cooperation, education, observation and monitoring cannot be satisfied by regular-budget funding, so that other sources must be tapped. The High Commissioner consistently appeals to Member States and others to contribute generously to his endeavours in the field, which should represent an alliance of efforts. In keeping with current requirements, the amount necessary to cover such a field presence would be some US$ 25 million per year. Several countries, including a number of developing countries, expressed great interest in making voluntary contributions to support human rights field activities.

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COORDINATION OF THE POLICIES AND ACTIVITIES OF THE SPECIALIZED AGENCIES AND OTHER BODIES OF THE UNITED NATIONS SYSTEM

Possible common themes for the follow-up of major international conferences during the coordination segment of the substantive session of 1997 of the Economic and Social Council

Note by the Secretary-General

1. In its agreed conclusions 1995/1 (A/50/3, chap. III, para. 22), the Economic and Social Council invited the Secretary-General, taking into account the suggestions made in paragraph 57 of his report on coordinated follow-up to major international conferences in the economic, social and related fields (E/1995/86) and based on the work of relevant subsidiary bodies and through consultations with Member States, relevant organs of the United Nations system and specialized agencies, to offer suggestions for possible common themes for follow-up of major international conferences for consideration and decision by the Council during its coordination segment.

I. PROPOSALS BY MEMBER STATES

2. The Secretary-General consulted Member States through a note verbale dated 29 May 1996, as a result of which he received written proposals from Belarus, Italy (on behalf of the States Members of the European Union), Japan, the Russian Federation and Ukraine.

3. Belarus proposed the theme "Role of regional and subregional organizations in the integrated implementation of programmes and plans of action based on results of the global conferences in the economic, social and related fields connected with sustainable development".

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4. Italy, on behalf of the States Members of the European Union, proposed the theme "Mainstreaming of the gender perspective within the United Nations system" and, as a sectoral second theme, "Freshwater".

5. Japan suggested that education or health or gender could be considered as a possible common theme for the 1997 coordination segment of the Council.

6. The Russian Federation proposed the theme "A stable macroeconomic policy framework conducive to development".

7. Ukraine proposed the following themes: "A stable macroeconomic policy framework conducive to development"; "International trade and commodities" and "Participation, democracy, human rights, accountability and partnership with major groups and non-governmental organizations".

II. PROPOSALS BY ORGANS, ORGANIZATIONS AND BODIES OF THE UNITED NATIONS SYSTEM

8. The Secretary-General consulted the organs, organizations and bodies of the United Nations system through a letter dated 22 May 1996, as a result of which he received the following proposals for themes:

(a) Gender equality and the empowerment of women;

(b) External debt and financing for development;

(c) Partnership with major groups and non-governmental organizations;

(d) Governance and human rights;

(e) Emergency relief to rehabilitation, reconstruction and the resumption of economic and social development;

(f) Coordinated capacity-building at the country level and for coordinated follow-up to conferences;

(g) Coordination of policies for cross-cutting themes of United Nations Conferences: global and country level;

(h) Poverty alleviation with a particular focus on food security;

(i) Basic social services;

(j) Employment and sustainable livelihoods;

(k) An enabling environment for economic and social development;

(l) Africa and special categories;

(m) Implementation of the plan of action emerging from the World Food Summit.

III. PROPOSALS BY INTERGOVERNMENTAL BODIES

9. It may be recalled that the Council was requested by the Fourth World Conference on Women to consider devoting at least one coordination segment before the year 2000 to coordination of the advancement of women based on the revised system-wide medium-term plan for the advancement of women; one high-level segment and one operational activities segment were also to be devoted to the advancement of women. 1/ The General Assembly subsequently invited the Council to consider devoting one high-level segment, one coordination segment and one operational segment, before the year 2000, to the implementation of the outcome of the Fourth World Conference on Women (Assembly resolution 50/203, para. 23).

10. The Commission on Human Rights, at its fifty-second session, held in 1996, recommended that the Economic and Social Council consider devoting the coordination segment of its substantive session of 1998 to the question of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action as part of the review of the implementation of the Vienna Declaration and Programme of Action, to be carried out in 1998.

IV. SUGGESTED THEMES

11. In paragraph 128 of the report of the Secretary-General on the coordination of United Nations system activities for poverty eradication (E/1996/61), it is stated that, for the Council to play its oversight and coordinating role effectively, it would seem necessary that it decide to work on the basis of a multi-year programme of work, as is increasingly the case of its functional commissions; this would also entail close consultations between the Bureau of the Council and the chairpersons of the functional commissions, as also foreseen by the Council in agreed conclusions 1995/1 of its coordination segment of 1995.

12. In selecting a theme for its coordination segment, the Council should take the following factors into account:

(a) The theme should be a major cross-cutting outcome of several international conferences in the economic, social or related fields;

(b) The theme should be a subject of operational relevance to a number of organizations of the system and/or a subject in respect of which several functional commissions have been active;

(c) The theme should have a significant policy dimension, so as to maximize the benefit that could be derived from the presence of heads of agencies, funds, programmes and other bodies of the United Nations system during the discussions;

(d) The discussion of the theme by the Council and the agreed conclusions on the theme should contribute to enhanced coordination of policies and activities by the United Nations system.

13. In paragraph 57 of the report of the Secretary-General on coordinated follow-up to major international conferences in the economic, social and related fields (E/1995/86), the common themes emanating from those conferences were identified as follows:

(a) A stable macroeconomic policy framework conducive to development;

(b) External debt and finance for development;

(c) International trade and commodities;

(d) Science and technology;

(e) Eradication of poverty and hunger;

(f) Access to productive occupational opportunities, full employment and family incomes;

(g) Gender equality, equity and empowerment of women;

(h) Basic social services for all: primary health care, nutrition, education, safe water and sanitation, population and shelter;

(i) Promoting social integration;

(j) Environment and natural resources;

(k) Africa and special categories;

(l) Participation, democracy, human rights, accountability and partnership with major groups and non-governmental organizations.

14. These themes provide a sufficiently broad field from which the Council could identify themes for its own multi-year work programme for the coordination segment as it relates to the follow-up to conferences. In doing so, the Council will also need to take into account the multi-year work programmes of the functional commissions.

15. The 12 themes identified above can be examined and placed in one of two categories. First, themes that span the mandates of several functional commissions and can be directly examined during the Council's coordination segment. Secondly, themes that are covered to a large extent by a single functional commission and can be examined initially by that commission. A good example of the first category is the theme of poverty eradication discussed during the coordination segment of the present session. As mentioned in the report of the Secretary-General on the coordination of United Nations system activities for poverty eradication (E/1996/61), this theme cuts across the mandate of a number of functional commissions. In such themes the advantages of discussion by the Council are apparent. With respect to the second category of theme, the functional commissions can themselves take on a greater coordination role, reporting to the Council on matters that require its decision. A pertinent example is the theme of environment and natural resources: the

Commission on Sustainable Development can continue its overall monitoring of Agenda 21 and its task of ensuring that environmental concerns are mainstreamed in the work of other functional commissions.

16. In the report of the Secretary-General on the coordination of United Nations system activities for poverty eradication (E/1996/61), it is proposed that the Council consider selecting for its coordination segment a suitable theme related to an enabling environment for development, which could be considered in 1997; further, the theme of poverty is proposed for consideration by the Council during the coordination segment of its substantive session of 2000.

17. Other themes which the Council could consider for its coordination segment include (a) Gender equality and the empowerment of women; (b) Participation, democracy, human rights, accountability and partnership with major groups and non-governmental organizations; and (c) Africa and special categories. With respect to theme (a), it may be noted that "mainstreaming the gender perspective in the activities of the United Nations system relating to poverty eradication" was considered as a sub-theme during the coordination segment of the present session. Since the Commission on the Status of Women will undertake the mid-term review of the system-wide medium-term plan for the advancement of women in 1998, the Council could consider devoting its 1998 coordination segment to mainstreaming the gender perspective in the activities of the United Nations system. With respect to theme (b), the Commission for Social Development is to consider the theme, "Promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons" in 1998. It would therefore be appropriate for the theme of "participation" to be discussed by the Council in 1999. As regards theme (c), since the Council discussed the development of Africa at its substantive session of 1995, it could consider conducting an overall review of the commitments made by international conferences in favour of Africa in 2002, when the General Assembly is to conduct the final review and assessment of the New Agenda for the Development of Africa in the 1990s.

18. Taking into account all the above considerations, the views expressed by Member States and the proposals made by the organizations of the United Nations system, and in the light of the need for a multi-year programme of work, the following themes, together with the years in which they could be considered, are suggested as part of a multi-year programme of work of the Council:

	Theme	Year
1.	A theme related to the national and international economic environment, for example: - Promotion of a stable macroeconomic policy framework - External debt and finance for development	1997
2.	Mainstreaming the gender perspective in the activities of the United Nations system	1998
3.	A theme related to participation, democratization, human rights and non-governmental organizations	1999
4.	Eradication of poverty and hunger	2000

19. It may be recalled that the General Assembly, in its resolution 48/162, provided for the coordination segment to deal with one or more themes. In resolution 50/227, the Assembly also gives the Council the possibility of choosing, at its organizational session, a second theme dealing with concrete sectoral issues. It should be understood, therefore, that the adoption of a multi-year programme of work would not in any way preclude the possibility of the Council selecting, if it so decides, for any given year, an additional theme of a sectoral character.

Notes

1/ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II, paras. 313-315.

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INTERNATIONAL COOPERATION AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTICS AND PSYCHOTROPICS AND RELATED ACTIVITIES

Summary of the high-level segment of the Economic and Social Council (24-27 June 1996)

Summary presented by Ambassador Jean-Marie Kacou Gervais, President of the Economic and Social Council

INTRODUCTION

1. The high-level segment of the Economic and Social Council was held from 24 to 27 June 1996. The theme of the segment was "International cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities". The segment was attended by a large number of ministers and other high-level representatives.

2. During the segment, on 24 June 1996, the Council held an intensive policy dialogue on major issues in the world economy with Mr. Rubens Ricupero, Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), Mr. Prabhakar R. Narvekar, Deputy Managing Director of the International Monetary Fund (IMF), and Mr. Sven Sandstrom, Managing Director of the World Bank. The absence of a representative of the World Trade Organization was noted with regret.

I. POLICY DIALOGUE

3. The policy dialogue with the Secretary-General of UNCTAD and responsible representatives of the heads of the World Bank and IMF focused on trends in the world economy; the issue of globalization; trade; debt; resource flows; and

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cooperation and coordination within the United Nations system. Also addressed was the importance of international cooperation in combating the drug problem.

A. The world economy and international cooperation

4. The evolution of world economic growth is encouraging, although many countries continue to have an economic performance below their potential. Developing countries, as a group, are making a major contribution to the growth of the world economy. Their growth, which seems in many cases - particularly in Asia and to some extent in Latin America - to be independent of the growth or lack of it in developed economies, is expected to continue to outpace that of the industrialized countries in 1996-1997. Developing countries are contributing not only to world growth but also to macro-stabilization policies worldwide, in particular through greater internal price stability and significant deregulation of financial markets. Growth, however, remains uneven, with a small number of developing countries growing rapidly, a larger number showing improved performance, and a third group, in particular the least developed and African countries, lagging behind. Many developing countries continue to be faced with the problems of poverty, inadequate infrastructure, capital constraints and low levels of social development. Many of the countries with economies in transition are moving towards a high growth path. However, these countries will continue to need international assistance in the period ahead to overcome the problems of transition.

5. Sound policies, structural changes and economic reforms must continue to be pursued by all countries, including developing countries, to sustain and accelerate growth and development. At the same time, the importance of the external economic environment, particularly the effects of economic and trade policies and developments in developed countries, and of international economic cooperation, was underscored. The suggestion was put forward that the main industrialized countries should coordinate policies of economic expansion to raise demand and combat unemployment, in the context of deepening trade liberalization. The prospective growth environment for developing countries will depend not only on their continuing significant policy adjustments but also on sustained and strong momentum in global trade liberalization leading to rapid growth in world trade. The acute problems of the least developed countries, whose number has increased, can be overcome only with decisive international action and assistance. Partnership between developed and developing countries should be reinforced and extended to civil society as a whole.

6. Recent United Nations conferences have defined the framework for and resulted in commitments to intensify international cooperation for development. Attention must now focus on implementation at the national and international levels. Development strategy should be based on a country's plans, priorities and development needs, and should be country specific, while recognizing that developing countries face many common constraints and problems. International cooperation is necessary to assist developing countries in carrying out their development goals.

B. Globalization

7. Globalization, in particular global financial integration, implies opportunities and challenges. As we continue to assess the risks and benefits associated with globalization, it is time to address the issue of the post-globalization agenda. Many developing countries and countries with economies in transition are liberalizing their trade and investment environment. As a result, private capital flows to developing countries have increased substantially, and have complemented domestic savings and external assistance. However, so far three quarters of these flows have gone to only 12 countries, and such flows can easily be suspended or reversed. Therefore, current efforts to establish a system of financial cooperation capable of providing early warning and preventing the emergence of serious financial crises must be continued and intensified. It was suggested that the international community should also give consideration, as appropriate and in cooperation with national Governments, to ways of dealing with the possible negative effects on developing countries of sudden outflows of private capital. The developed economies should better integrate the international dimension into their macroeconomic and monetary policies, since these have a crucial impact on world growth and development.

8. Globalization discussions so far have mainly referred to trade in goods and services, and have tended to overlook technology, labour and migration flows. It was suggested that labour mobility should be a part of the liberalization agenda.

C. Trade

9. While all partners in the Uruguay round of multilateral trade negotiations have undertaken trade liberalization measures, many developing countries have adopted unilateral measures as well. Liberalization efforts must be further deepened in all countries, taking into account the relevant internationally agreed provisions to address the special situations of developing countries.

10. Economic cooperation and integration at the regional level are also important. Intensified regional cooperation should not be pursued as an alternative to the global liberalization process but should contribute to an open and multilateral trading system.

D. Debt and resource flows

11. Finding lasting solutions to the heavy debt burdens of the least developed countries is crucial in the fight against poverty. Hope was expressed that a solution will be found as the World Bank and IMF continue their joint and ongoing efforts to bring the external debt problems of heavily indebted poor countries, including multilateral debt, to a sustainable level.

12. The provision of new and additional resources, both multilateral and bilateral, is required for achieving the commitments agreed to at recent major international conferences and summits. The problem of declining official

development assistance (ODA) has to be addressed urgently. Adequate financial resources are required to enable international financial institutions to fulfil their mandate, and the recent disconcerting trends and developments in that area were noted.

13. Following the agreement on the replenishment of the International Development Association (IDA), the implementation of related commitments must be ensured. Concern was expressed at the incomplete tenth replenishment of IDA and the prospects for the eleventh replenishment. The IMF Enhanced Structural Adjustment Facility has been established on a permanent basis; ways of financing it should be agreed upon as soon as possible. A substantial increase in quotas is being considered in the IMF Eleventh General Review of Quotas. Agreement on the broad outline of a new arrangement to double resources available under the General Arrangements to Borrow should be finalized and implemented.

E. Structural adjustment

14. Discussions have shown growing international consensus on the main elements of sound economic policies. The proper design and effective implementation of structural adjustment programmes, which fully take into account the social dimension, remain a key challenge. While recent improvement in growth in Africa suggests that well-designed structural adjustment programmes could restore growth, experience has vividly demonstrated that adjustment programmes must take into account the need to expand social investment, provide a social safety net and alleviate poverty. Policies to protect social sectors should assure that the poor have a stronger say in designing plans and setting priorities. Building Governments' capacities should be a priority as well as an appropriate role for civil society. Efforts should be intensified to implement commitment 8 of the Copenhagen Declaration 1/ regarding structural adjustment programmes.

F. Cooperation and coordination within the United Nations system

15. Progress has been made in the cooperation between the United Nations and the Bretton Woods institutions in a number of economic, social and environmental areas. The United Nations System-wide Special Initiative on Africa and the inter-agency task forces of the Administrative Committee on Coordination (ACC) on the follow-up to major conferences, among others, provide useful avenues for enhanced cooperation between the Bretton Woods institutions and the rest of the United Nations system. A call was made for developing further the cooperation between the United Nations system and the Bretton Woods institutions, and for both a closer policy dialogue at the intergovernmental level on global macroeconomic policy issues and promoting cooperation at the country level. A number of speakers emphasized that strengthening the collaboration between the United Nations system and the Bretton Woods institutions should avoid, within the context of the United Nations operational system, new conditionalities and restrictive policies. The ongoing reform of the multilateral financial institutions was noted. The reform of UNCTAD, in particular the streamlining and simplification of its intergovernmental machinery and secretariat structure, and the clear, refocused and reinforced mandate given to it at its ninth

session, were also welcomed. The need to explore ways to broaden and enhance coordination of monetary and financial institutions was emphasized.

16. Many speakers noted that the high-level policy dialogue of the Council with heads of multilateral trade and financial institutions has proven to be very useful in facilitating discussion of international economic issues, including those arising from the process of globalization and liberalization. Some participants suggested that the dialogue might gain from being more focused on selected themes. Attention was drawn to the need to ensure that participation in the one-day policy dialogue should continue to be at the executive head level, as in previous years. The President of the Council was encouraged to pursue this question with the parties concerned.

G. Drug abuse control

17. The need to integrate drug abuse control in the national and global policy agenda was emphasized. A comprehensive and multidimensional approach to the problem is needed, with the effective involvement of all partners, including the international financial institutions.

II. INTERNATIONAL COOPERATION AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTICS AND PSYCHOTROPIC SUBSTANCES AND RELATED ACTIVITIES

18. The report of the Secretary-General on international cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities (E/1996/57) provided the basic background documentation for the high-level segment debate. The report provided a concise and comprehensive overview of the extent of drug trafficking and abuse worldwide, which was closely linked with the problems of organized crime and money laundering. It emphasized the social and economic cost and consequences of drug abuse on society.

19. The challenge posed to societies by drug abuse and illicit trafficking has many facets and dimensions: it transcends national and geographical boundaries, affects different social and age groups, and stands at the cross-roads of many social and economic issues. Drug abuse has devastating social effects, including its harmful impact on youth, families, other social groups and the workplace, and adverse health consequences as well, including those resulting from the relationship between substance abuse and a number of major diseases and disorders and the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

20. From their activities and the laundering of their illicit proceeds, drug trafficking organizations derive sufficient economic power to undermine democratic institutions through corruption, and to distort economies through both the effects of the very large sums involved on financial systems and the take-over of legitimate businesses by drug traffickers. There is a strong link between drug trafficking, money laundering, terrorism in all its forms,

organized crime and traffic in arms, all of which are major threats to national and international security.

21. The drug menace affects developed and developing countries alike. The current trends and patterns of drug abuse and traffic have made difficult the categorization of countries as producer countries, transit States, and consumer countries.

22. The scale of the problem calls for reaffirmation of the political will and the national commitment to concrete action, enhanced international cooperation founded on collective and shared responsibility, and international solidarity in the implementation of counter-strategies. Initiatives to counter the drug problem should be undertaken with full respect for national sovereignty and territorial integrity.

23. A comprehensive, multidisciplinary and balanced approach to addressing the growing complexity of the drug phenomenon at the national, regional and international levels is an essential requirement. National drug strategies based on a balanced approach, whereby demand reduction and supply reduction are inseparable, mutually reinforcing elements of those strategies, are being increasingly adopted by Governments. Prevention, treatment, and social rehabilitation measures must be an integral part of drug control strategies, as a complement to law enforcement measures targeting illicit traffic.

24. One of the prerequisites for closer cooperation in drug control is the universal ratification of the international drug control treaties: the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The current drug control treaties and the Global Programme of Action adopted by the General Assembly at its seventeenth special session provide the necessary framework for international cooperation. While these instruments can be fine-tuned, what is of paramount importance is the political will and the sustained commitment of Governments to ensure their effective implementation. The adoption of strong domestic legislation and policies is an essential prerequisite for making full use of the opportunities for international cooperation provided by the international drug control treaties, particularly the 1988 Convention. During the high-level segment of the Economic and Social Council, Governments renewed their commitment to taking firm action along the lines of policies currently in place.

25. Legalization of the non-medical use of drugs was strongly opposed. Initiatives that diverge from the drug control policies of the international community undermine efforts to implement the drug control treaties. It was recalled that throughout the world the overwhelming majority of young people have chosen not to use illicit drugs and that the population at large has repudiated illicit drugs.

26. To make further progress in the implementation of the drug control instruments it is important to take stock of measures taken by Governments, to gauge difficulties encountered in their implementation and to identify the areas where assistance is required. This could be achieved through periodic reporting

to the Commission on Narcotic Drugs on measures taken to further their implementation.

27. It was considered important that Governments establish the necessary framework to ensure the coordination and coherence of action at the national level and establish comprehensive national drug control master plans promoted by the United Nations International Drug Control Programme (UNDCP) as a mechanism to ensure coordination in the implementation of drug control policies at the national level.

28. Several representatives informed the Council of measures taken by their Governments to fulfil their treaty obligations and counter the drug threat. In that regard, new legislation had been adopted and penal codes amended to comply with the provisions of the international drug control treaties and facilitate the investigation and prosecuting of drug trafficking offences. Regional and bilateral agreements and arrangements had been concluded to facilitate cooperation and strengthen the capacity of Governments to combat drug trafficking syndicates and counter cross-border traffic, money laundering and the diversion of precursors. Several speakers outlined extensive demand reduction programmes to target domestic drug abuse problems and reported on successes that had been achieved in reducing demand. The attention of the Council was drawn to a number of trends in drug abuse and trafficking, and several representatives stressed the problem of growing abuse of synthetic drugs with stimulant properties.

29. Drug trafficking organizations are violent, brutal and ruthless with regard to those responsible for ensuring the enforcement of law and order. Law enforcement officers should be provided with adequate specialized training to counter their operations.

30. Efforts to counter money laundering constitute an integral part of international drug control. They are essential in order to target the economic power of drug traffickers and prevent the distorting effects on financial markets. International action against money laundering should be enhanced through the full and effective implementation of the provisions on money laundering of the 1988 Convention, in particular article 7, and of the bilateral, regional and multilateral agreements or arrangements on money laundering. A strong commitment by all Governments is required. Some speakers suggested that consideration be given to the preparation of an international instrument on money laundering, while others emphasized the importance of implementing existing instruments. It was suggested that a joint unit on money laundering could be established between UNDCP and the Crime Prevention and Criminal Justice Division of the Secretariat.

31. It was essential for Governments to increase their efforts to reduce the production and supply of illicit drugs. In this regard, it was emphasized that Governments should increase their efforts to prevent the diversion of precursors and essential chemicals frequently used in the illicit manufacture of illicit drugs, and strengthen international cooperation in this area, pursuant to article 12 of the 1988 Convention.

32. Alternative development programmes represent an essential component of international drug programmes. UNDCP should play a catalytic role and consider providing seed money to initiate alternative development programmes. Bilateral assistance agencies, programmes and funds of the United Nations system involved in providing technical assistance, as well as international financial institutions, should play a more active role in supporting alternative development programmes that accompany the elimination of drug crops. Given the large expenditure required for alternative development, it is essential that there is complementarity and cooperation between the various agencies concerned. Drug control activities should be included as an integral part of development strategies. The commitment of the Government and the participation of the affected rural population in the decision-making process are also essential.

33. The need for a stronger effort to reduce demand for illicit drugs was stressed. Civil society, including non-governmental organizations, should be mobilized to play a more active role in demand reduction, particularly in the field of primary prevention. One of the important objectives was to increase awareness, particularly of children, youth and other vulnerable groups, to the risks of drug abuse. Education among young people is crucial to demand reduction.

34. To give greater priority to demand reduction, a declaration on the guiding principles of illicit demand reduction was considered important by several delegations. UNDCP was invited to continue to develop, as a matter of priority, the declaration on the guiding principles of reduction of illicit demand for drugs. The declaration should serve to establish agreed principles, guidelines and common denominators acceptable to the international community.

35. The specialized agencies of the United Nations system, particularly the International Labour Organization, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization had critical roles to play in reducing the illicit demand for drugs. Particular reference was made to the importance of prevention through education programmes to protect youth and street children. Demand reduction programmes should address the ethical and cultural dimensions of the problem in national educational policies and programmes.

36. Many developing countries lacked the resources to implement fully the provisions of the international drug control treaties and apply law enforcement and control measures commensurate with the scale of the drug problem. Drug abuse and trafficking constituted an additional burden which undermined their sustainable social and economic development. UNDCP was invited to assist African States in the implementation of the African Plan of Action for Drug Control, to be adopted by the Organization of African Unity in July 1996. The ongoing efforts of UNDCP to include drug control elements in national development strategies as well as in international economic and social cooperation programmes were encouraged. In that connection, it was stated that the international community should provide financial and technical assistance to developing countries.

37. Countries with economies in transition which have been adversely affected by the illicit traffic and drug abuse that provided organized criminal groups with the means to undermine the democratic process and hamper the emergence of a viable market economy also need to be assisted in their efforts to combat the drug menace.

38. Strong support was expressed for the regional and subregional approach of UNDCP which has been highly effective as a means to enhance cooperation and coordination of activities in drug control at the regional level, particularly in countering cross-border traffic. UNDCP was invited to continue, as a priority, to support initiatives for closer regional and subregional cooperation.

39. As a centre of expertise, UNDCP should improve its capacity to collect and analyse data on the various aspects of the drug problem with a view to facilitating the provision of policy advice and assistance to Member States based on an assessment of the various aspects of the drug issue. The development of the information management and analysis capacity of UNDCP was crucial to its leadership and coordination role within and outside the United Nations. At the national level, Governments should improve their capacity to collect, analyse and disseminate data regarding the domestic drug problem. National authorities should cooperate with UNDCP and the International Narcotics Control Board by responding to their requests for such information. Some representatives referred to the country reports as the basis for reviewing the drug situation in the respective countries and stated that the evaluation of the drug situation and of measures to combat drugs should be limited to the United Nations bodies entrusted with evaluation responsibilities.

40. The United Nations system has a critical role to play in addressing the global threat of drug abuse and illicit traffic, particularly in the adoption and implementation of agreed standards and norms. The drug issue should be a priority concern of all relevant United Nations agencies, programmes and funds, as well as the international financial institutions.

41. The recent actions taken by the Administrative Committee on Coordination to ensure the increased commitment by specialized agencies, programmes and funds, as well as the international financial institutions, to include the drug dimension in their programmes of work were welcomed.

42. The United Nations System-wide Action Plan on Drug Abuse Control provides a vital tool for the coordination and enhancement of drug control activities within the system. An increasing number of agencies in the United Nations system are now addressing the drug issue within their respective fields of competence. Inter-agency coordination represents an important contribution to the fight against illicit drugs at the international level. The coordinating functions of UNDCP at the policy and operational levels should be strengthened to ensure that the United Nations system can develop a concerted response to the drug problem. Also essential is continued cooperation with the International Criminal Police Organization-Interpol, the Financial Action Task Force and other bodies outside the United Nations system with important functions in the fight against various aspects of the drug menace, as well as continued cooperation among those bodies.

43. The limited and reduced resources available to UNDCP from the United Nations regular budget were considered insufficient to meet the demands made on the Programme. Dependence on a limited number of countries for voluntary contributions and a reduction in general purpose contributions have placed UNDCP in a vulnerable position. UNDCP should be provided with adequate resources to fulfil its mandates and become a centre of excellence focusing on policies and their implementation. In the short term, it is essential for more States to assume responsibility for the financial situation of UNDCP. By providing it with resources commensurate with its mandate and exercising responsibility for its governance, they could demonstrate their commitment to UNDCP.

44. Strong support was expressed for the proposal emanating from the Commission on Narcotic Drugs concerning the convening of a special session of the General Assembly in 1998. Such a session should serve to reaffirm the commitment to national and international drug control as a high priority and enable agreement to be reached on measures to strengthen international drug control on the basis of shared responsibility. A number of Governments stated that it would also provide an occasion to consider measures to improve the functioning of the intergovernmental and technical bodies involved in international drug control. Some speakers suggested that the General Assembly could, on that occasion, give special attention to issues such as precursor control, abuse of and traffic in stimulants and their precursors, and the struggle against money laundering. The active participation of all States and agencies in the preparation of the special session was considered essential to creating the political momentum and support that such a session required. The high-level segment had contributed to its preparation and the Council could make a further contribution to the preparatory process.

Conclusions

45. Some of the main conclusions emanating from the high-level segment are outlined below:

- Confirmation of the high priority assigned by States to international drug control; determination to undertake concerted action at the multilateral level and ensure universal adherence to the international drug control treaties.

- Reaffirmation of the commitment for drug control to remain one of the top priorities of the United Nations medium-term plan for the period 1998-2001.

- Consideration of appropriate measures to improve the functioning of the intergovernmental and technical bodies involved in international drug control.

- Reconfirmation of the leadership and coordination role of UNDCP, especially within the United Nations system; and provision to UNDCP of the resources required to fulfil its leadership and coordination function, as called for by the General Assembly.

- Addressing drug control cooperation issues in the governing bodies of the agencies, programmes and funds of the United Nations system and the international financial institutions.

- Improvement and enhancement of the intergovernmental system for evaluating the implementation of the drug control instruments, with the support of Member States.

- Mobilization and forging of strong partnerships with all actors of civil society, particularly non-governmental organizations, community-based organizations, sports associations and the private sector.

- Practical implementation of the drug control instruments through the adoption of appropriate laws and the establishment of institutions for their enforcement at the national level, according to national policies and priorities.

- Adoption of national drug control master plans, based on a balanced approach giving equal importance to measures to reduce the demand for and measures to reduce the supply of illicit drugs.

- Adoption of appropriate mechanisms for coordination at the national level endowed with the necessary legal and political authority.

- Encouragement of bilateral cooperation and multilateral agreements to combat drug trafficking and abuse.

- Allocation at the national level of resources commensurate with the recognized dimension and gravity of the drug problem; and recognition of the need for international cooperation and assistance in this regard.

Notes

1/ See Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

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COORDINATION QUESTIONS

Cooperation between the United Nations and the International Organization for Migration

Note by the Secretary-General

The Secretary-General wishes to bring to the attention of the Economic and Social Council the attached cooperation agreement between the United Nations and the International Organization for Migration. This agreement was signed in Geneva on 25 June 1996.

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COOPERATION AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION

The United Nations and the International Organization for Migration,

ACKNOWLEDGING that the purposes of the United Nations are, inter alia, to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms, and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

ACKNOWLEDGING that the International Organization for Migration, committed to the principle that humane and orderly migration benefits migrants and society, is mandated under its Constitution to assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and work towards effective respect of the human dignity and well-being of migrants,

TAKING NOTE that the relevant resolutions of the United Nations General Assembly, in particular resolution 47/4 of 16 October 1992, and those of the Council of the International Organization for Migration, in particular resolution No. 923 (LXXI) of 29 November 1995, call for intensified cooperation between the two Organizations,

CONSCIOUS of the need for closer cooperation between the United Nations and the International Organization for Migration in matters of common interest, and desirous of further enhancing and strengthening such cooperation,

HAVE AGREED AS FOLLOWS:

ARTICLE I

COOPERATION AND CONSULTATIONS

1. The United Nations and the International Organization for Migration shall act in close collaboration and hold consultations regularly on all matters of common interest.

2. To this end, the two parties shall consider the appropriate framework for such consultations as and when necessary.

ARTICLE II

ATTENDANCE AT MEETINGS

1. In accordance with the applicable rules of procedure and decisions taken by the competent bodies concerning the attendance of meetings by observers, the United Nations shall invite the International Organization for

Migration to send representatives to meetings and conferences convened by the United Nations at which intergovernmental organizations have been invited to attend as observers, whenever matters of interest to the International Organization for Migration are discussed.

2. In accordance with the applicable rules of procedure and decisions taken by the competent bodies concerning the attendance of meetings by observers, the International Organization for Migration shall invite the United Nations to send representatives to meetings and conferences convened by the International Organization for Migration at which intergovernmental organizations have been invited to attend as observers, whenever matters of interest to the United Nations are discussed.

ARTICLE III

EXCHANGE OF INFORMATION AND DOCUMENTATION

1. The United Nations and the International Organization for Migration agree to exchange information and documentation in the public domain to the fullest extent possible on matters of common interest.

2. Where appropriate, and subject to the necessary requirements, information and documentation relating to specific projects or programmes may also be exchanged between the parties with a view to ensuring complementary action and effective coordination between the two Organizations.

ARTICLE IV

STATISTICAL AND LEGAL INFORMATION

The United Nations and the International Organization for Migration shall, subject to their respective rules and regulations, make every effort possible to ensure optimum utilization of statistical and legal information, and efficient use of their resources to compile, analyse, publish and disseminate such information.

ARTICLE V

ADMINISTRATIVE AND TECHNICAL COOPERATION

1. The United Nations and the International Organization for Migration agree to strive for the maximum cooperation and coordination to ensure complementary action at headquarters and field levels.

2. Each Organization shall endeavour, in so far as possible and in compliance with its constituent instruments and decisions of its competent bodies, to respond favourably to requests for cooperation, in accordance with procedures to be mutually agreed upon.

3. The International Organization for Migration shall take into consideration any formal recommendations that the United Nations may make to it and, upon request, report to the United Nations on the actions taken by it, within its mandate, in order to respond to or otherwise give effect to such recommendations.

4. The International Organization for Migration shall cooperate with the United Nations Economic and Social Council in furnishing information and rendering assistance in regard to matters of common interest.

5. In order to further strengthen inter-secretariat coordination, various mechanisms will be used, including, when relevant, the appropriate inter-agency coordinating bodies, subject to their terms of reference and rules of procedure.

ARTICLE VI

JOINT ACTION

1. The United Nations and the International Organization for Migration may, through special arrangements, decide to act jointly in the implementation of projects that are of common interest. The special arrangements shall define the modalities for the participation of each Organization in such projects and shall determine the expenses payable by each of them.

2. The United Nations and the International Organization for Migration may, whenever they consider it desirable, set up commissions, committees or other technical or advisory bodies, on terms and conditions to be mutually agreed upon in each case, to advise them on matters of common interest.

3. The United Nations Certificate shall be issued to staff of the International Organization for Migration performing functions or travelling on official business for the United Nations.

ARTICLE VII

COOPERATION BETWEEN THE SECRETARIATS

1. The Secretary-General of the United Nations and the Director General of the International Organization for Migration shall take appropriate measures to ensure effective cooperation and liaison between the secretariats of the two Organizations.

2. In so far as possible, and within the context of their constituent instruments and decisions of their respective competent bodies, the two Organizations shall assist each other in the training and secondment of various categories of staff.

3. To maintain consistency of the personnel policies of the International Organization for Migration with those of the United Nations and other

organizations of the United Nations system, the International Organization for Migration will continue to apply in substance the United Nations Staff Rules and Regulations, and deviations from these rules and regulations will be subject to specific approval by States members of the International Organization for Migration.

ARTICLE VIII

IMPLEMENTATION OF THE AGREEMENT

The Secretariat of the United Nations and the Administration of the International Organization for Migration shall consult each other regularly on matters relating to this Agreement.

ARTICLE IX

SUPPLEMENTARY ARRANGEMENTS

The United Nations and the International Organization for Migration may enter into such supplementary arrangements for the purpose of cooperation and coordination as may be found desirable.

ARTICLE X

ENTRY INTO FORCE, AMENDMENTS AND DURATION

1. This Agreement shall enter into force on the date of its signature by the duly authorized representatives of the two Organizations.

2. This Agreement may be amended by mutual consent of the parties. The proposed amendment should be made in writing to the other party and shall enter into force after a period of three months following the expression of such consent.

3. Either of the parties may terminate this Agreement by giving six months' written notice to the other party.

IN WITNESS WHEREOF, the undersigned representatives of the Secretariat of the United Nations and the Administration of the International Organization for Migration have signed the present Agreement.

Signed this 25th day of June 1996 at Geneva in two originals in the English language.

For the United Nations:

(Signed) Boutros BOUTROS-GHALI
Secretary-General

For the International Organization for Migration:

(Signed) James N. PURCELL, Jr.
Director General

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ELECTIONS AND NOMINATIONS

Election of five members of the Programme Coordination Board of the Joint and Co-sponsored Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS)

Note by the Secretariat

1. Be decision 1995/223 of 5 May 1995, the Council decided that the Programme Coordination Board of the Joint and Co-sponsored Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) should comprise 22 elected members, with the following distribution of seats:

(a) Five seats for African States;

(b) Five seats for Asian States;*

(c) Two seats for Eastern European States;

(d) Three seats for Latin American and Caribbean States;

(e) Seven seats for Western European and other States.

By the same decision, the Council decided to continue informal consultations on various aspects of the election process.

2. At its resumed organizational and resumed substantive sessions for 1995, the Council elected 22 members of the Programme Coordination Board (Council decisions 1995/221 and 1995/230). The membership is given in the annex below.

* Japan is included among the Asian States.

Annex

PROGRAMME COORDINATION BOARD OF THE JOINT AND CO-SPONSORED PROGRAMME ON HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNODEFICIENCY SYNDROME (HIV/AIDS)

(22 members; three-year term)

Membership in 1996

Five seats for African States

Algeria (1997), Congo (1998), Côte d'Ivoire* (1996), South Africa (1997), Uganda (1998)

Five seats for Asian States

China (1997), India (1998), Japan (1997), Pakistan (1998), Thailand* (1996)

Two seats for Eastern European States

Bulgaria (1997), Russian Federation (1998)

Three seats for Latin American and Caribbean States

Barbados (1997), Mexico* (1996), Paraguay (1998)

Seven seats for Western European and other States

Australia* (1996), Canada* (1996), France (1998), Netherlands (1997), Sweden (1997), United Kingdom of Great Britain and Northern Ireland (1997), United States of America (1998)

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* Retiring member.

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NON-GOVERNMENTAL ORGANIZATIONS

Letter dated 21 June 1996 from the Chairman of the Committee on Non-Governmental Organizations addressed to the President of the Economic and Social Council

The Committee, at its 602nd meeting, held on 21 June 1996, had before it the report of the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations (E/1996/58).

At that meeting, the Committee agreed that it wished to express its strong support and encouragement to H.E. Mr. Ahmad Kamal, Chairman of the Open-ended Working Group, and its hope that the matter could be resolved before the end of the 1996 substantive session of the Economic and Social Council.

I request that this letter be circulated as a document of the Economic and Social Council at its substantive session of 1996, under agenda item 10.

(Signed) Fidel COLOMA
Chairman of the Committee on
Non-Governmental Organizations

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